

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62812 of 2023

Arising Out of PS. Case No.-388 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Vijay Shankar Chaudhary Son Of Late Sohan Chaudhary Village W.No-6, Mohania Ps- Mohania Dist- Kaimur At Bhabua
2. Pintu Kumar S/O- Late Vishwanath Yadav Village W.No-6, Mohania Ps- Mohania Dist- Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-09-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for grant of bail in connection with Mohania P.S. Case No. 388 of 2023 registered under sections 8(c)/21(b) of the NDPS Act.

Prosecution case relates to recovery of 5.82 grams of heroin like substance from the petitioner No.1 whereas from the petitioner No.2, there has been recovery of 2.56 grams of heroin like substance.

Learned counsel for the petitioners submits that the petitioner are innocent and have committed no offence. They have falsely been implicated in this case. The recovered



incriminating substance from their possession does not come within the purview of commercial quantity as per NDPS Act. A statement has been made in para-3 of this petition that the petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 12.06.2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of this case as well as the custody of the petitioners, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail **after framing of charge, if the charge is not framed**, in connection with Mohania P.S. Case No. 388 of 2023 on each of them furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-III, Kaimur at Bhabua.

(Sunil Kumar Panwar, J)

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