

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65778 of 2022

Arising Out of PS. Case No.-353 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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1. Sudhir Kumar @ Sudhir Kushwaha Son Of Rajvansh Singh @ Rajvansh Kumar Singh R/O Vill.- Bishunpur Pandey, P.S.- Minapur, Distt.- Muzaffarpur
 2. Sunil Kumar @ Dhoni Son Of Naresh Rai R/O Vill.- Chaturasi, P.S.- Siwai Patti, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Union Of India Through NCB, Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with NDPS Case No.160 of 2022 arising out of Muzaffarpur Sadar P.S. Case No.353 of 2022 registered for the offences punishable under Sections 420, 379, 467, 468, 471 and 34 of the Indian Penal Code and Sections 8(c), 21(b) of the NDPS Act.



As per the prosecution, the police personnel apprehended these petitioners and recovered 12 grams of narcotic material suspected to be “smack”, some debit cards and cash of Rs.4000/- etc.

The main submissions advanced by the learned counsel for the petitioners are that both the petitioners have fair and clean antecedent and the alleged seized narcotic material suspected to be “smack” was weighed 12 grams which was recovered from both the petitioners and accordingly the said recovered narcotic material is slightly excessive to the smaller quantity and the police did not disclose the means by which the weight of the said contraband was measured and so far as the offences of IPC as mentioned in the FIR are concerned, there is no evidence as to whom the petitioners had cheated by using the seized ATM cards and the petitioners have been languishing in jail since 29.06.2022.

Learned APP appearing for the State has opposed the bail prayer.

Considering the aforesaid facts and mainly petitioners’ fair and clean antecedent and also the quantity of the alleged recovered contraband, in the opinion of this Court a lenient approach can be taken in respect of petitioners’ prayer,



let the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with NDPS Case No.160 of 2022 arising out of Muzaffarpur Sadar P.S. Case No.353 of 2022.

(Shailendra Singh, J)

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