

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67377 of 2023**

Arising Out of PS. Case No.-405 Year-2023 Thana- NARPATGANJ District- Araria

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1. Kishan Lal Choudhary @ Kisan Chaudhary Son of Mishree Lal Choudhary R/o vill - Rahipur (Nagarpalika Etahari) Ward no. 18, P.S. - Kanchi Chowk, Distt. - Sunsari, Nepal
  2. Sushant Choudhary Son of Shital Chaudhary R/o vill - Rahipur (Nagarpalika Etahari) Ward no. 18, P.S. - Kanchi Chowk, Distt. - Sunsari, Nepal

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate  
For the Opposite Party/s : Mr. Murli Dhar, APP

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      17-10-2023                      Heard learned counsel for the petitioners and  
learned Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with Special Case No.58 of 2023, arising out of Narpatganj (Basmatiya) P.S. Case No. 405 of 2023 lodged on 19.07.2023 under Sections 21(C)/22 and 23 of the N.D.P.S. Act.

3. As per the prosecution case, the recovery of 598 Capsules of Tharmadol has been recovered from the possession of the petitioners along with Nepali currency, one motorcycle and two Android Mobiles have been the subject



matter of the recovery.

4. Learned counsel for the petitioners submits that the said recovery has been made and Tharmodol is treated as N.D.P.S. material as per the FIR the quantity of the said material is 29.90 gms. Counsel submits that the antecedent of the petitioners is clean and they are in custody since 20.07.2023. Counsel submits that the said N.D.P.S. material is higher than the small quantity but much lessor than the commercial quantity. Counsel submits that antecedent of the petitioner is clean and he is ready to fulfill all the conditions whatsoever shall be imposed and assures that in future no such mistake shall be committed by the petitioners.

5. Learned counsel for the State opposes the prayer for bail.

6. It transpires to this Court that the molecule has been categorized as N.D.P.S. material numbered at serial No.238ZH-Tharmodol for which small quantity is 5 gm and commercial quantity is 250 gm as mentioned in table prepared under Section 2 of the Act notified vide S.O. number 1055E dated 19.10 2001.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioners, above



named, be released on bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-Special Judge (N.D.P.S. Act), Araria, in connection with Special Case No.58 of 2023, arising out of Narpatganj (Basmatiya) P.S. Case No.405/2023, subject to the following conditions:

(i) one of the bailors should be the family member of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioners shall desist from committing any



criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

**(Dr. Anshuman, J)**

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