

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67589 of 2023

Arising Out of PS. Case No.-308 Year-2023 Thana- KUMAR KHAND District- Madhepura

1. Sintu Kumar Son Of Jay Prakash Yadav R/O Vill Gopipur, Ward No. 10, Ps- Kumar Khand, Dist- Madhepura
2. Anshu Kumar Son Of Dilip Yadav R/O Vill -Gopipur, Ward No. 10, Ps- Kumar Khand, Dist- Madhepura
3. Prabhash Kumar Son Of Surendra Yadav R/O Vill Gopipur, Ward No. 10, Ps- Kumar Khand, Dist- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 31-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act and section 20(b) of the N.D.P.S. Act.

3. As per prosecution case, the petitioners are alleged to have been apprehended by police and from join possession of them, total 67 gm smack like substance as well as 64 bottles Corex syrup were recovered.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. They have falsely been implicated in this case. The petitioners have no concern with the alleged recovery of smack or corex syrup. As alleged smack like substance is said to be total 67 gm which does not come under purview of commercial quantity as per the N.D.P.S. Act. The petitioners have got no criminal antecedent as stated in para-3 of the bail petition and languishing in judicial custody since 27.7.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail **after framing of charge, if not framed**, in connection with Kumarkhand P.S. Case No. 308 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge 5th -cum-Special Judge Excise Act, 1st Madhepura.

(Sunil Kumar Panwar, J)

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