

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22768 of 2024

Arising Out of PS. Case No.-374 Year-2023 Thana- PATNA CITY CHOWK District- Patna

1. Vishal Kumar S/o Dharmveer Singh R/o Hajiganj, near Sarvoday School, Naya Tola, P.S. - Chowk, Distt. - Patna
2. Kiran Devi W/o Dharmveer Singh R/o Hajiganj, near Sarvoday School, Naya Tola, P.S. - Chowk, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhukar Anand

For the Opposite Party/s : Mr.Pushpa Sinha. I

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Chowk
P.S. Case No. 374 of 2023 instituted for the offence under
Sections 8, 17(b), 18(b) of the N.D.P.S. Act.

3. As per prosecution case, the petitioner No. 1 was
apprehended on the spot and upon search total 45.25 gram
opium and 375 gram Doda were recovered. Further the
petitioner No-1 stated that the petitioner No-2 who is her mother
used to sell and purchase opium and Doda.

4. It has been submitted on behalf of the petitioners
that the petitioners are in custody since 03.07.2023. The
petitioners bears no criminal antecedents, as per disclosure



made in paragraph No. 3 of the bail application. Charge-sheet has already been submitted in this case. The petitioners have no concern with the alleged recovered articles and no incriminating article has been recovered from their conscious possession. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 100 of the Cr.P.C..

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, judicial custody of the petitioners and recovered contraband articles which are below commercial quantity, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chowk P.S. Case No. 374 of 2023.

(Rudra Prakash Mishra, J)

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