

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24637 of 2024

Arising Out of PS. Case No.-363 Year-2023 Thana- KISHANGANJ District- Kishanganj

1. Kanhai Kumar, Male, aged about 19 years, son of Baijnath Ray @ Vaidhya Nath Ray Village- Lalpokhar Dighi Ps- Sadar Hajipur Dist- Vaishali
2. Anoj Kumar @ Angaj Kumar @ Ankaj Kumar, Male, aged about 20 years, son of Raj Kumar Ray Village- Lalpokhar Dighi Ps- Sadar Hajipur Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s : Dr. Indiwar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 15-04-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioners seek bail in connection with Kishanganj P.S. Case No.363 of 2023 registered for the offence under Sections 341, 323, 307, 353, 427, 385, 504, 506/34 of the Indian Penal Code and Sections 8/20(b)(ii)(A) of the NDPS Act.

3. Allegation against these petitioners along with other co-accused persons is to have in possession of narcotics and Ganja.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners have falsely been implicated in the present case. It is submitted that alleged



recovery of narcotics and Ganja was not made from the conscious physical possession of these petitioners. It is also submitted that specific allegation as regard to possession of alleged narcotics and Ganja is not against these petitioners. It is also submitted that similarly situated co-accused person has already been granted bail by this Court through Cr. Misc. No. 23504 of 2024. It is further submitted that petitioners are in custody since 18.10.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances and submissions made on behalf of the petitioners, let both the petitioners, above named, are directed to be released on bail, ***after framing of the charge***, in connection with Kishanganj P.S. Case No.363 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge (NDPS Act), Kishanganj.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that ***if the charge-sheet***



has not been submitted then the above named petitioners shall be released on bail on furnishing bail bond with further condition that the petitioners have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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