

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30990 of 2024

Arising Out of PS. Case No.-01 Year-2024 Thana- GALGALIYA District- Kishanganj

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1. Puja Kamti Wife of Manoj Kumar Yadav @ Manoj Yadav Resident of Village- Galgalia Darbhangiya Tola,P.S.-Galgalia, District -Kishanganj
 2. Manoj Kumar Yadav @ Manoj Yadav Son of Kailu Yadav Resident of Village- Galgalia Darbhangiya Tola, P.S.-Galgalia, District - Kishanganj.
 3. Rina Devi @ Reena Devi Wife of Bijay Yadav Resident of Village- Galgalia Darbhangiya Tola,P.S.-Galgalia, District -Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 23-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Galgalia P.S. Case No. 01 of 2024 giving rise to Special Case No. 20 of 2024 instituted for the offences under Sections 8(C), 21(b) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered 62.00 grams brown sugar from the possession of Puja Kumari, 02.00 grams from the possession of Manoj Kumar Yadav and 03.00 grams from the possession of Rina Devi. Thus, the police has recovered total 67 grams brown sugar from the possession



of the petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case only on the basis of suspicion. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no concern with the alleged seized contraband. The quantity of seized contraband is less than 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 42 and 50 of the N.D.P.S. Act.. The petitioner no.1 has one criminal antecedent whereas petitioner nos. 2 & 3 have no criminal antecedent and are languishing in judicial custody since 12.01.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with



two sureties of the like amount each to the satisfaction of Court
below/concerned Court in connection with Galgalia P.S. Case
No. 01 of 2023 giving rise to Special Case No. 20 of 2024.

(Rudra Prakash Mishra, J)

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