

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50676 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- MITHANPURA District- Muzaffarpur

1. Ajay Kumar @ Ajay Kumar Sah Son of Vishnudev Sah R/O- Village- Motipur, P.S.- Malangva, Distt.- Sarlahi (Nepal).
2. Raju Yadav Son of Late Baldeo Yadav R/O- Village- Motipur, P.S.- Malangva, Distt.- Sarlahi (Nepal).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan No. II, Advocate Mr. Pranav Kumar, Advocate Mrs. Priyanka Kumari, Advocate Mrs. Kumari Rupa, Advocate
For the Opposite Party/s	:	Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2024 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

2. The petitioners seek bail in connection with N.D.P.S. Case No. 56 of 2024 arising out of Mithanpura P.S. Case No. 66 of 2024 registered for the offence under Sections 413, 414 of the I.P.C. and Sections 8(c) and 21(b) of the N.D.P.S. Act.

3. The petitioners are named in the



F.I.R. and are in custody since 24.02.2024.

4. The allegation against the petitioners is to deal in stolen property like motorcycle and also to have in possession of contraband/smack of 1.800 gram were recovered from petitioner no. 1 and 9 gram from petitioner no. 2.

5. Learned counsel appearing on behalf of the petitioners submitted that the motorcycle in issue as alleged to be recovered by the police doesn't belongs to these petitioners. It is submitted that the recovered quantity is less than the smaller quantity which is 5 grams in the present case where the maximum punishment is extendable up to one year. It is further submitted that from petitioner no. 2 also, recovery is less than commercial quantity and therefore, import of Section 37 of the NDPS Act is not applicable in present case. While concluding the argument, it is submitted that both petitioners are men of clean antecedent and moreover, investigation of this



case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of the facts and circumstances as the recovered contraband is lesser than the smaller quantity/commercial quantity and the petitioners are in jail since 24.02.2024, coupled with fact that charge-sheet has already been submitted, accordingly, petitioners, above named, are directed to be released on bail in connection with N.D.P.S. Case No. 56 of 2024 arising out of Mithanpura P.S. Case No. 66 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S. Court No. II, Muzaffarpur, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions that:-



“(i) That
accused/petitioners shall not
involve in the similar nature of
offence till the conclusion of trial,
failing which the State shall be at
liberty to move before the Trial
Court itself for the cancellation of
bail bond of the petitioners.

(ii) That
accused/petitioners shall
cooperate in the trial and shall be
physically present on each and
every date before the Trial Court
till conclusion of the trial and
exemption from physical
appearance be allowed by the
Trial Court, only on medical
ground of the petitioner, duly
supported by the documents.

(Chandra Shekhar Jha, J.)

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