

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77351 of 2024

Arising Out of PS. Case No.-263 Year-2024 Thana- ADAPUR District- East Champaran

1. Mohammad Farukh @ Mohammad Faruk S/o Mustjab Ali R/o vill - Sirisiyan Mal, ward no. 3, P.O. - Noneyadih, P.S.- Nakardei, Distt. - East Champaran, Bihar
2. Mohammad Saurab @ Mohammad Sohrab S/o Mohammad Ashiq @ Mohammad Ashif R/o vill - Sirisiyan Mal, ward no. 02, P.O. - Noneyadih, P.s.- Nakardei, Distt.- East Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohd Rustam Hussain, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 26-10-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with NDPS G.R. Case No. 68 of 2024 arising out of Adapur P.S. Case No. 263 of 2024 instituted for the offences under Section 317(5) of the Bharatiya Nayaya Sanhita (BNS) & under Sections 8(C) and 21(b) of the Narcotic Drug and Psychotropic Substance Act, 1985 (NDPS).

3. As per prosecution case, the police, on receipt of confidential information, conducted raid and arrested the petitioners and, from their joint possession, 25 grams Brown



Sugar, two mobiles and one motor-cycle have been recovered.

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. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no concern with the seized Heroine. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The quantity of Heroine recovered 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 petitioners have no criminal antecedent and is languishing in judicial custody since 25.08.2024 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 petitioners.

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 and the petitioners having no criminal antecedent, 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 NDPS G.R. Case No. 68 of 2024 arising out of Adapur P.S. Case No. 263 of 2024.

(Rudra Prakash Mishra, J)

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