

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85881 of 2023

Arising Out of PS. Case No.-231 Year-2023 Thana- BASOPATTI District- Madhubani

1. Bipin Kumar Jha S/o Manoj Kumar Jha R/O -VILLAGE- JANAKPUR, WARD NO.-11, PS.- JANAKPUR, DIST.-DHANUSHA, NEPAL
2. Rajan Kumar Jha S/o Jibachh Jha R/o village-Deopur, Rupaittha, Ward No.05, P.S.-Janakpur, District-Dhanusha,Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 01-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Basopatti P.S. case No. 231 of 2023, corresponding to G.R. No. 71 of 2023, instituted for the offences under Sections 8, 21, 23, 25 and 29 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 4.15 gram brown sugar (Heroin) has been recovered in this case.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. Petitioners are in custody since 19.10.2023 and have no criminal antecedent. There is no allegation of tampering of witnesses



alleged against the petitioners. There is no compliance of Section 100 of the Cr.P.C. The recovered contraband is below commercial quantity, and 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.

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, clean antecedent as also the period of custody undergone by the petitioners, 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) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Basopatti P.S. case No. 231 of 2023, corresponding to G.R. No. 71 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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