

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4643 of 2025

Arising Out of PS. Case No.-202 Year-2024 Thana- GANGABRIDGE District- Vaishali

1. Chandan Kumar @ Chandan Rai S/o- Navesh Rai @ Naresh Rai Resident Of Village- Terasiya, Pillar No 12, Ps-Gangabridge, Dist- Vaishali
2. Kundan Kumar S/o- Navesh Rai @ Naresh Rai Resident Of Village- Terasiya, Pillar No 12, Ps-Gangabridge, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 24-01-2025 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Gangabridge P.S. Case No. 202 of 2024 registered for the offences punishable under Sections 8(c), 21(b) and 29 of the N.D.P.S.

3. As per prosecution case, the police has recovered total 0.170 grams illegal narcotic substance like Smack from the possession of the co-accused Deepak Kumar @ Sanjay Kumar.

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. The name of the petitioners have surfaced in this during investigation on the basis of the disclosures made by the co-accused Deepak Kumar. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no concern with the co-accused persons. The petitioners have also no concern with the alleged seized contraband. The quantity of contraband 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 Sections 42 and 50 of the N.D.P.S. Act. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Deepak Kumar @ Sanjay Kumar has been granted regular bail by this Court vide order dated 02.12.2024 passed in Cr. Misc. No. 81337.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. 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 Gangabridge P.S. Case No. 202 of 2024.

(Rudra Prakash Mishra, J)

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