

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6002 of 2025

Arising Out of PS. Case No.-601 Year-2024 Thana- SUPAUL District- Supaul

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1. Mintu Kumar Singh @ Mintu Singh @ Priyaranjan Singh S/o- Shri Ramanand Singh Village- Sukhpur W.No-9, Ps- Supaul Dist- Supaul
 2. Ashish Kumar Singh S/o- Late Niranjana Singh Village- Sukhpur W.No-8, Ps- Supaul Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 13-02-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with NDPS Case No. 77 of 2024 arising out of Supaul P.S. Case No. 601 of 2024 instituted for the offences under Sections 8(c), 21(b), 29 of the N.D.P.S. Act and 25(1-b)a, 26, 35 of the Arms Act.

3. Prosecution case, in short, is that, one loaded country-made pistol along with one live cartridge has been recovered from petitioner no. 1 whereas forty-one packets of smack has been recovered from petitioner no. 2.



4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. Charge-sheet has been submitted in this case. Petitioners are in custody since 10.09.2024. Both petitioners have three criminal antecedents each. There is no allegation of tampering of witnesses alleged against the petitioners. No incriminating material has been recovered from the conscious possession of the petitioners. Petitioners have no concern with the recovered arms and ammunitions. Learned counsel for the petitioner referring to the impugned order submitted that the recovered Smack is 10 grams which is above the small quantity but below the 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, recovered contraband being less than commercial quantity 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 NDPS Case No. 77 of 2024 arising out of Supaul P.S. Case No. 601 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(III) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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