

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24137 of 2025

Arising Out of PS. Case No.-753 Year-2024 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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1. Indrajeet Kumar S/o Late Mahendra Ram R/o Swami Sahjanand Colony, Bhagawanpur, P.S.- Sadar, Distt. - Muzaffarpur
 2. Deepak Kumar S/o Ramashish Chaudhary R/o P.S.- Sadar, Distt. - Muzaffarpur
 3. Rohit Kumar S/o Suryadev Ram R/o Bhamanagar Bhagawanpur, ward no. 16, P.S.- Sadar, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bipin Chandra, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners seek bail in connection with Sadar P.S. Case No. 753 of 2024 registered for the offences under Sections 8(c) and 21(B) of the N.D.P.S. Act.

3. As per prosecution case, police found the petitioners in suspicious condition who were apprehended when a raid was conducted at certain place. From the possession of petitioner no.1 Indrajeet Kumar, recovery of 12.21 gram of smack (along with wrapper), from the possession of petitioner no.2 Deepak Kumar, 7.400 gram of smack (with wrapper) and from petitioner no.3 Rohit Kumar, 7.400 grams of smack (with wrapper) were made.



4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Police did not follow the mandatory provisions of Sections 42 and 50 of the NDPS Act. Nothing incriminating has been recovered from the person or possession of the petitioners. Petitioners have no concern with the alleged occurrence. Weight of the contraband was taken with the paper in which it was kept and if the weight of the wrapper is discounted, the weight of the contraband recovered from the petitioners would come under the small quantity. In any case the weight of the seized contraband is much less than the commercial quantity. Petitioners are in custody since 05.11.2024 and charge-sheet has been submitted. Petitioner nos. 1 and 2 are having clean antecedent whereas petitioner no.3 is having antecedent of one case.

5. Learned A.P.P. opposes the submission made on behalf of the petitioners. Learned APP submits that the petitioners were caught red-handed from their house.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the quantity of recovered contraband is not the commercial quantity and also considering the period of custody



of the petitioners coupled with submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Special Judge-II, (NDPS), Muzaffarpur/concerned court in connection with Sadar P.S. Case No. 753 of 2024, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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