

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22428 of 2025

Arising Out of PS. Case No.-22 Year-2025 Thana- RUPAULI District- Purnia

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1. Monu Kumar @ Manohar Kumar @ Monu Manohar S/O Ramesh Prasad Jaiswal R/O Village- Birauli Bazar, PS- Rupauli, Distt- Purnea
 2. Sudhanshu Kumar S/O Chandra Shekhar Jaiswal R/O Village- Birauli Bazar, PS- Rupauli, Distt- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 29-04-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Rupauli P.S. Case No. 22 of 2025, instituted for the offences punishable under Sections 8(c) and 21(b) of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of one lighter from the possession of petitioner no. 1 and 7.65 gram smack was recovered from the shop of petitioner no. 2. Both the petitioners were apprehended on spot.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious



possession of the petitioners. Learned counsel for the petitioners further submits that the petitioners have got no concern with the recovery of alleged articles. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioners are in custody since 03.02.2025 and has got no criminal antecedent. There is no compliance of Sections 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, the recovered contraband being below the commercial quantity and 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 Rupauli P.S. Case No. 22 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

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