

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47145 of 2014

Arising Out of PS.Case No. -70 Year- 2014 Thana -SHERGHATI District- GAYA

1. Surendra Yadav @ Surendra Kumar Yadav Son of Chandradev Yadav
resident of village - Mairag, P.S. Pratappur, District - Chatra (Jharkhand)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushmita Mishra

For the Opposite Party/s : Mr. Raj Ballabh Singh (App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 04-02-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Sherghati
(Dobhi) P.S. Case No. 70 of 2014 registered for the offences
punishable under Sections 17, 18 and 22 of the Narcotic Drugs &
Psychotropic Substances Act.

On checking by the Block Development Officer,
the petitioner was intercepted and apprehended and from dickey of
his motorcycle two bags containing some red colour powder
weighing 1.5 kg was seized and the petitioner disclosed that he
was going to supply the said powder to one Anuj Sao.

Submission is that the seizure list has been
prepared in utter violation of the N.D.P.S. Act as the seizure list



was prepared on 12.3.2014 at 6.45 pm and the FIR has been lodged on 13.3.2014 at 1.45 pm. There is no compliance of Section 50 of the N.D.P.S. Act. There is no report of Forensic Science Laboratory and without report chargesheet has been submitted. The alleged recovered quantity is less than the commercial quantity as contemplated under the Schedule if it is presumed to be opium. The papers of the motorcycle were not there with the petitioner at the relevant time and the Police seized the motorcycle of the petitioner. The seizure list does not bear the signature of the petitioner and the said motorcycle has been released in favour of the petitioner's father. He is a student and has got no criminal antecedent and the petitioner is in custody since 13.3.2014, and as such, he deserves sympathetic consideration to which the learned APP opposes.

Considering the period of detention, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 70 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned

and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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