

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7228 of 2017

Arising Out of PS. Case No.-96 Year-2015 Thana- JAMALPUR District- Darbhanga

Binod Yadav, Son of Chano Yadav @ Chandeshwar Yadav @ Chanu Yadav,
Resident of Village- Bandaria, P.S.- Jamalpur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

Mr. Rohit Kumar

For the Opposite Party/s : Mr. SRI ANUJ KUMAR SRIVASTAVA,APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-10-2017 Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under Sections 20 and 22 of the NDPS Act.

The prosecution case is that the police during vehicle check intercepted a motorcycle when the motorcycle driver escaped from the scene but 14 kgs. Ganja were recovered, from the motorcycle.

It is submitted by learned counsel for the petitioner that though the vehicle in question was registered in the name of the petitioner on the relevant date but it was being driven by his relative namely, Ram Pravesh Yadav. It is further submitted that an affidavit has been sworn and filed by Chano Devi, the wife



of Ram Pravesh Yadav, to the effect that her husband took motorcycle from the relative on the alleged date of occurrence and when Ram Pravesh yadav went to bring registration papers, in the meantime, police took the vehicle to the police station. It is further submitted that the petitioner is languishing in custody since 29.1.2016 and recovery is between the small and commercial quantity. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

It is submitted by learned APP that it is not in dispute that the petitioner was not apprehended with the motorcycle which is registered in his name and recovery is between small quantity and commercial quantity.

Earlier the prayer of the petitioner for bail was rejected, but keeping in view the liberty granted to the petitioner to renew the prayer for bail after remaining in custody for one year and also the fact that recovery is between small and commercial quantity, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge-cum-Sessions Judge, Darbhanga in connection with G.O. Case No. 15 of 2015 arising out of Jamalpur P.S. Case No. 96 of 2015.

The learned court below will be at liberty to cancel the bail



bonds of the petitioner in case he defaults on three consecutive occasions.

(Dinesh Kumar Singh, J)

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