

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21650 of 2017

Arising Out of PS.Case No. -38 Year- 2017 Thana -ALOULI District- KHAGARIA

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1. Fulendra Yadav Son of Kedar Yadav, Resident of Village- Sanjhauti,
P.S.- Alauli, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Sri Anil Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 01-06-2017 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Alauli P.S.
Case No. 38 of 2017 registered for the offences punishable under
Sections 8, 20 (b) (II) and (B) of the N.D.P.S. Act.

Allegedly, acting on a tip of, police personnel reached
at the place of occurrence and arrested the petitioner and on search
3.5 K.G. Ganja has been recovered which was kept on the carrier
of a bicycle, which was standing by the side wall in school. There
has been total non-compliance of mandatory provision of search
and seizure under the NDPS Act.

Submission is of false implication, the entire
allegations are false and fabricated. There is no material against



the petitioner in the case diary. In fact, the petitioner has gone to attend Panchayati in school premises and was falsely implicated in this case at instance of his opponents. Nothing was recovered from conscious possession of the petitioner. Petitioner suffering in custody since 13.02.2017, has been sufficiently penalized, deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, 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 Sessions Judge, Khagaria in Spl. Case No. 01 of 2017 in connection with Alauli P.S. Case No. 38 of 2017 subject to the conditions that one of the bailors must be 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.

(S. Kumar, J)

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