

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43093 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -PALANWA District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Brahmdeo Yadav Son of Shiwan Yadav, R/o Village- Rajajan, P.S.-
Manshi, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Chandra Prasad

For the Opposite Party/s : Mr. Panchanand Pandit

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
26.01.2017 in connection with N.D.P.S. Case No. 12 of 2017,
arising out of Palanwa (Bhelahi) P.S. Case No. 05 of 2017, G.R.
No. 69 of 2017 for offences punishable under Sections 20, 22, 23,
24 of the N.D.P.S. Act.

The prosecution case, as lodged by the SSB officials, is
that the petitioner was apprehended near Indo-Nepal border and on
search 2.4 kgs of ganja was recovered. Accordingly, a seizure-list
was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the aforesaid case. He submits that recovered ganja, alleged to be from the possession of the petitioner, is less than the commercial quantity, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, East Champaran at Motihari, in connection with N.D.P.S. Case No. 12 of 2017, arising out of Palanwa (Bhelahi) P.S. Case No. 05 of 2017, G.R. No. 69 of 2017, subject to the conditions that :

- (i) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on



two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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