

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15723 of 2017

Arising Out of PS.Case No. -98 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

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Butaee Yadav, s/o Puna Yadav, r/v Sanaut, P.S. Muffasil, Distt. Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhusudan Kumar

For the Opposite Party/s : Mr. Sri Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 21-04-2017 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Mufassil
P.S. Case No. 98 of 2016 registered for the offences punishable
under Sections 18, 20 and 22 of the N.D.P.S. Act.

Allegedly, Lakhan Yadav was apprehended whereas,
one person succeeded in fleeing away and Lakhan Yadav stated
that he has cultivated the opium plant with petitioner as *Bataaidar*
in 15 decimal of land.

Submission is of false implication and that the
petitioner has got no concern with that land nor he has cultivated
the opium plant as *Bataidaar*. save and except the confessional
statement of co-accused, there is no other material against the
petitioner. However, said Lakhan Yadav has been allowed bail



vide Criminal Miscellaneous No. 26748 of 2016 by another co-ordinate Bench of this court and the petitioner is suffering in custody since 13.02.2017 after his surrender and, as such, the petitioner also 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, Gaya in connection with Muffasil P.S. Case No. 98 of 2016 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.

(Jitendra Mohan Sharma, J)

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