

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36489 of 2017

Arising Out of PS.Case No. -37 Year- 2016 Thana -SIKANDARA District- JAMUI

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Arun Yadav Son of Gulo Yadav Resident of Village- Nawadih, P.S.-
Sikandra, District- Jamui.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prakash Mahto, Advocate.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 28-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner, who is in custody since 17.03.2016, has renewed his prayer for bail in connection with N.D.P.S. Case No. 01 of 2016 arising out of Sikandra P.S. Case No. 37 of 2016 for the offence alleged under Sections 15, 17, 18 and 46 of the N.D.P.S. Act having earlier been rejected by this Court by order dated 10.02.2017 in Cr. Misc. No. 28728 of 2016.

3. It is submitted that the petitioner has been falsely implicated in connection with alleged recovery of 30 Kg. of postadana. It is further submitted that postadana does not come within the meaning of the provisions of Narcotic Drug and Psychotropic Substances Act and hence no offence has been made out under the Act. The petitioner claims clean antecedents.

4. Pursuant to the order dated 31.01.2018, a report has been received from the 1st Additional District and Sessions Judge, Jamui, according to which trial has commenced and only one prosecution witness, out of 10 charge-sheeted witnesses, has been produced by the prosecution.

5. Considering the status report from which it is



clear that trial is not likely to be concluded in the near future and having regard to the period of custody already suffered since 17.03.2016, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge-cum-Additional District & Sessions Judge-Ist, Jamui, in connection with N.D.P.S. Case No. 01 of 2016 arising out of Sikandra P.S. Case No. 37 of 2016, on the following conditions:-

- (i) That one of the bailors shall be a close relative of the petitioner.
- (ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- (iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Md. Ibrarul/BT

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