

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23982 of 2020

Arising Out of PS. Case No.-342 Year-2019 Thana- JOGBANI District- Araria

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RAMLAL YADAV @ RAMA YADAV @ LUNGI YADAV Son of Late
Nageshwar Yadav Resident of Village- Tikuliya Basti, Ward No. 10, P.S.-
Jogbani, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bisheshwar Ram, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 26-11-2020 Heard Mr. Ramesh Kumar Singh, learned counsel

for the petitioner and Mr. Bisheshwar Ram, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

Petitioner seeks regular bail in connection with
Jogbani P.S. Case No. 342 of 2019 registered for the offence
punishable under Section 414 of the Indian Penal Code 1860
and Sections 27 (b) (ii)/28 R.W. 36 of Drugs and Cosmetic Act.

The allegation as per the First Information Report is
that Police on the basis of secret information, raided the house
of the petitioner, and upon seeing the Police party, the petitioner
escaped. However, on search, the Police recovered 90 pieces of
Diazalab injection of 2 ml. each, 90 pieces of Lupigesic



injection of 2 ml. each and 95 pieces of Phenramine Meleate injection of 2 ml. each from the husk room of the petitioner and total cost of the injections has been assessed by the Police at Rs.27,500/- which would be evident from the seizure memo.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case by the Police with oblique motive. Learned counsel further submits that the injections in question have not been recovered from conscious possession of the petitioner but from the husk room situated outside his house. Learned counsel also submits that at the time of search and seizure, procedure prescribed under Section 100 Cr. P.C. has not been followed by the Police. Learned counsel also submits that the petitioner is in custody since 29.04.2020.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 29.04.2020, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate



-VI, Araria, in connection with Jogbani P.S. Case No. 342 of 2019 subject to the following conditions:-

(i) that petitioner shall not commit any offence similar to the offence in which he is an accused.

(ii) that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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