

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28206 of 2020

Arising Out of PS. Case No.-47 Year-2017 Thana- BARACHATTI District- Gaya
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MANOJ YADAV Son of Rohan Yadav Resident of Village- Somiya, P.S.-
Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh
Mr.Sudhir Kumar Sinha
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 04-12-2020 Heard Mr. Arvind Kumar Singh, learned counsel

for the petitioner and learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Barachatti P.S. Case No. 47 of

2017 dated 24.01.2017 instituted for the offences under

Section 18, 20 and 22 of the N.D.P.S. Act.

It appears from the prosecution report that 2 Kgs

of ganja kept in a plastic wrapper was found in the field of

the petitioner.

Learned counsel for the petitioner has submitted

that the field is open from all sides and the access to the



field is not prohibited for anyone. Thus the petitioner cannot be said to be in possession of the narcotics, which is said to have been recovered and for which the charges have been saddled against him.

The petitioner has clean antecedents.

Considering the aforesaid facts, the petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge (N.D.P.S) Act, Gaya, in connection with Barachatti P.S. Case No. 47 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

However, it is made clear that the petitioner shall participate in the investigation process if the same is still continuing and if chargesheet would be submitted against him, he would participate in the trial also.



Any effort at running away from the investigation process or from the Trial if the case goes to Trial would render the anticipatory bail granted to the petitioner liable to be cancelled.

One of the bailors shall be a close relative of the petitioner and the bailors shall furnish his mobile telephone number at the time of furnishing of bail bonds.

(Ashutosh Kumar, J)

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