

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36073 of 2021

Arising Out of PS. Case No.-23 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

=====

ANIL KUMAR YADAV S/O PRABHU RAY R/o village- Roshanpur Sapaha,
P.S.- Sugauli, District- East Champaran

... .. Petitioner/s

Versus

The Union of India through N.C.B. India

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Adv.

For the Opposite Party/s : Mr. Punam Kumari Singh, CGC

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 23-12-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 8, 20(b)(ii) (C), 23 and 29 of the NDPS Act.

As per the prosecution case, 15.850 kg of *ganja* was recovered from the possession of the petitioner while different quantities were recovered from different accused persons including 14.9 kg of *ganja* from the possession of one Ashok Ram.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The alleged recovery is less than the commercial quantity. He is in custody since 3.12.2019 and has no criminal antecedent. His



case stands on a similar footing to that of coaccused Ashok Ram who has been enlarged on bail vide order dated 12.8.2021 passed in Cr. Misc. no. 28822 of 2021.

The application for bail is opposed by learned counsel appearing for the Narcotics Control Bureau who submits that large quantity of *ganja* has been recovered from the possession of the petitioner. In case the petitioner is enlarged on bail he will not cooperate in the trial.

Having heard learned counsel for the parties and taking into consideration the petitioner having remained in custody for more than 2 years and grant of bail to the above mentioned coaccused Ashok Ram, the Court directs the petitioner to be enlarged on bail in connection with Special Case no. 82 of 2019 (arising out of case no. NCB/PZU/V/23/2019) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 13th Additional Sessions Judge-cum-Special Judge (N.D.P.S.) East Champaran, Motihari.

In view of the fact that the charges have been framed in the learned Court below, it is directed that the petitioner shall cooperate in the trial and shall remain physically present in Court on each date of the trial. In case, the learned



trial Court is of the opinion that the trial is being delayed due to noncooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

Bibhash

U			
---	--	--	--

