

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25417 of 2021**

Arising Out of PS. Case No.-340 Year-2020 Thana- ADAPUR District- East Champaran

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GUDDU YADAV S/O GHANSHYAM YADAV R/O VILLAGE MANSI
RAJAJAN, P.S MANSI MANUFI, DISTRICT-KHAGARIYA.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.

Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with NDPS Case No. 60 of 2020

corresponding to Adapur P.S. Case No. 340 of 2020 registered

for the offences punishable under Sections 20, 22 of the

N.D.P.S.

Learned counsel for the petitioner submits that as per

the prosecution story, 3 kg Ganja was recovered from the

possession of this petitioner.

Learned counsel submits that the petitioner is

innocent and has falsely been implicated in the present case. The petitioner is in custody in connection with the present case since 24.10.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the alleged quantity of ganja recovered is 3 kg which is much less than the commercial quantity thus the rigors of Section 37 of the NDPS Act is not attracted, the petitioner has remained in jail in connection with this case since 24.10.2020, investigation against him is complete and he has otherwise no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge, East Champaran at Motihari in connection with Adapur P.S. Case No. 340 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of

bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.