

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21051 of 2020

Arising Out of PS. Case No.-132 Year-2020 Thana- BUXAR District- Buxar

Mani Yadav @ Man Yadav Son of Devmuni Yadav Resident of - Sohniipatti
Buxar, P.S.- Buxar, District - Buxar.

... .. Petitioner/s

Versus

The Union Of India Through Narcotics Control Bureau, Government Of
India.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan

For the Opposite Party/s : Mr.S.D. Sanjay (Add. S.G.)

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 19-01-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

Learned counsel for the petitioner is expected to honor his
undertaking given in the instant case for depositing the requisite
court fee and to remove the defects as pointed out by office
when called upon.

The petitioner seeks bail in NDPS Case No 05 of 2020
arising out of Buxar PS Case No. 132 of 2020 instituted for the
offence under Section(s) 21/22/27 of the NDPS Act.

On secret information regarding selling of “heroin like
substance” it is alleged that the police party has proceeded to
investigate the same. The petitioner has been arrested and it is
alleged that 36 small sachet containing “ heroin like substance”



has been recovered.

Learned counsel for the petitioner submits that the prosecution story itself is doubtful inasmuch as it does not state that the recovered substance is heroine, but states that the recovered substance to be “heroine like substance”.

A counter affidavit has also been filed on behalf of the State from where it is apparent that till date there is no material to even suggest that the recovered substance is heroine inasmuch as the report from the Forensic Science Laboratory has also not been obtained till date. The further submission is that even if the recovered substance is taken to be psychotropic substance under the Act then the quantum recovered is less than commercial quantity, though more than small quantity prescribed under the Act. The petitioner is already in custody since 17.03.2020 and he bears no criminal antecedents.

The learned APP for the State opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the Spl. Judge, NDPS Act Buxar, in connection with NDPS Case No 05 of 2020 arising out of Buxar PS Case No. 132 of 2020, subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

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

(Madhuresh Prasad, J)

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