

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36222 of 2021**

Arising Out of PS. Case No.-44 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

PRAMOD YADAV S/o Kishun Yadav R/o Village- Bari Chapi, P.S.-
Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Anuj Kumar Srivastava, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 22-12-2021 Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of eight weeks.

The petitioner is apprehending his arrest in connection
with Forest/N.D.P.S. Case No. 44 of 2020 registered for the
offence under Sections-41, 42 & 52 of Indian Forest Act, under
Sections-27, 35, 48, 50 & 51 of Forest Animal Conservations
Act and under Sections-8(c), 15(b), 25 & 29 of the N.D.P.S. Act.

The prosecution case, in short, is that 18 kg. Doda and
20 kg. Mahua is recovered.

It has been submitted on behalf of the petitioner that



the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. It is alleged that 18 kg. Doda and 20 kg. Mahua is recovered from the motorcycle. The petitioner is not owner of the motorcycle, in question. The name of the petitioner has transpired in this case on the basis of disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no recovery from conscious possession of the petitioner. The Doda recovered is below the commercial quantity. Hence, Section-37 of NDPS will not be applicable in the present case. There is no compliance of Sections-42 & 50 of N.D.P.S. Act.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail 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, Gaya in connection with Forest/N.D.P.S. Case No. 44 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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