

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38582 of 2020

Arising Out of PS. Case No.-145 Year-2020 Thana- KHIJARSARAI District- Gaya

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Kameshwar Yadav @ Kameshwar Prasad son of Late Chhatrapati Yadav @
Chhatradhari Yadav Resident of Village- Ismailpur, P.S.- Khijarsarai, District-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udbhav, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 12-04-2021 Heard the parties in virtual Court proceeding.

The petitioner is languishing in custody for the
offences punishable under Sections 20/22 of the N.D.P.S. Act.

2 Kg and 150 gms of Ganja was recovered from
beneath the bed in the house of the petitioner.

Submission is that the petitioner has got no criminal
antecedent. The house is in occupation of other family members
also. Recovery is not from conscious possession of the
petitioner. Mandate of law has not been followed in the matter
of search and seizure. The petitioner is in custody since
20.05.2020. Investigation of the case is already complete.
Recovery of Ganja is not of commercial quantity. Hence, bar
under Section 37 of the Act is not applicable.



Considering the facts aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Khijarsarai P.S. Case No.145 of 2020, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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