

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.39181 of 2020**

Arising Out of PS. Case No.-75 Year-2020 Thana- KORANSARAI District- Buxar

PINTU YADAV @ VIVEK YADAV Son of Lalan Yadav Resident of Village-
Ranibagh, P.S.- Koransarai, District- Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 12-04-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Koransarai P.S. Case No. 75 of 2020 corresponding to N.D.P.S. Case No. 26 of 2020 registered for the offences punishable under Section 20, 21, 22 of N.D.P.S. Act.

Learned counsel for the petitioner submits that as per prosecution story that on secret information, when the informant along with police personnel reached at Koransarai High School and on seeing the police party two persons tried to flee away but on chase one person was caught and another was fled away, the apprehended person told his name as Pintu Yadav and also disclosed the name of person who fled away. It is further alleged



that on search total 7.750 gram Heroin drugs like substance kept in 32 Pudia wrapped and white paper stored in right pocket and Rs. 2000/- cash from the possession of Pintu Yadav (the petitioner) were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and nothing recovered from the conscious possession of this petitioner and he was not involved in the commission of crime. Learned counsel submits that petitioner is in custody since 14.08.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is alleged that 7.750 gram of some Heroin like substance were recovered from the pocket of the petitioner, the submission of learned counsel for the petitioner being that the quantity alleged is less than the commercial quantity and the seizure list witnesses have not been examined in course of investigation as also that the petitioner has remained in jail in connection with the present case for about eight months, the seized article was produced in court after about 26 days and prior to that it was taken to police station and was kept there in the Malkhana, considering the entire facts and circumstances



and submissions, this court directs release of the above-named petitioner on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge – cum – Special Judge, N.D.P.S. Act, Buxar, in connection with Koransarai P.S. Case No. 75 of 2020 corresponding to N.D.P.S. Case no. 26 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

