

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.73 of 2021**

Arising Out of PS. Case No.-154 Year-2020 Thana- UDWANTNAGAR District- Bhojpur

Bhola Yadav @ Surendra Ray Son Of Late Rameshwar Yadav Resident Of
Village- Masarh, P.S.- Udwantnagar, District- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Syed Ehteshamuddin,APP

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

4 23-07-2021 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. Syed
Ehteshamuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Udwantnagar (Gajrajganj) P.S. Case No. 154 of
2020 registered for the offences punishable under Section 8/20(b)(ii)
(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985. He
is in custody since 26.06.2020.

Learned counsel for the petitioner submits that from the
FIR itself it would appear that the raid was conducted in the house of
co-accused Truck Yadav @ Harishankar Yadav and from his house
altogether 41 kg of ganja was recovered. The name of this petitioner
has been brought in this case on the basis of a statement of the



apprehended accused in police custody wherein it is alleged that this petitioner has been named as an associate of the apprehended accused.

Learned counsel submits that it is nothing but a case of false implication and such statements in police custody has no evidentiary value.

The petitioner has no criminal antecedent and has remained in custody for over one year, investigation against him is complete but the trial is not likely to take place in near future.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner. It is, however, not denied that the ganja has been recovered from the house of the co-accused Truck Yadav @ Harishankar Yadav and so far as this petitioner is concerned, from his possession or house no such article has been recovered.

Considering the facts and circumstances of the case, the nature of the accusation, there being no recovery from possession of the petitioner and the period of custody for over one year, 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 Sessions Judge-cum-Special Judge, Bhojpur at Ara in connection with Udwanthnagar (Gajrajganj) P.S. Case No. 154 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

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'.

