

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40788 of 2020

Arising Out of PS. Case No.-18 Year-2020 Thana- SAHEBPUR KAMAL District- Begusarai

DILIP YADAV @ DILIP KUMAR YADAV Son of Late Ino Yadav Resident
of Village - Musechaki, ward No.1, P.S.- Sahebpur Kamal, Distt.- Begusarai.
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 08-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 18.08.2020 in connection with NDPS P.S. Case No. 05/2020 (CIS No. 04/2020) arising out of Sahebpur-Kamal P.S. Case No. 18 of 2020 registered for the offences punishable under Sections 8/20/22 of the NDPS Act.

As per the prosecution case, on a secret informant that the petitioner along with his brother Amarjeet Yadav deals in illegal arms and ammunition, a raid was conducted and from the garage of this petitioner, 2 Kg. *Ganja* was recovered.

It is submitted on behalf of the petitioner that nothing has been recovered from the conscious possession of the petitioner and the alleged 2 Kg. *Ganja* has been recovered from the garage of the petitioner and the same is below commercial quantity. Hence, Section 37 of the NDPS Act is not applicable in



this case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. It is further submitted that co-accused Amarjeet Yadav has already been granted bail by this Hon'ble High Court vide order dated 09.11.2020 passed in Cr. Misc. No. 29678 of 2020.

Considering the aforesaid facts and circumstances, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Additional Sessions Judge-1st cum Special Judge, NDPS Act, Begusarai, in connection with NDPS P.S. Case No. 05/2020(CIS No. 04/2020) arising out of Sahebpur-Kamal P.S. Case No. 18 of 2020, subject to following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

(Prabhat Kumar Singh, J)

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