

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8841 of 2021**

Arising Out of PS. Case No.-211 Year-2020 Thana- CHANDAN District- Banka

BINOD YADAV SON OF BABULAL YADAV Resident of Village -
Biyahimore, Police Station - Chandan, District – Banka. Petitioner
Versus

THE STATE OF BIHAR Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

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

2 03-05-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

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 Chandan P.S. Case No. 211 of 2020 registered for the offences punishable under Section 8/20 (b) (ii) (C) of the N.D.P.S. Act.

As per the prosecution story, the informant got a secret information that one Binod Yadav is indulged in selling of Ganja from his shop. The informant with superior authority reached at the shop of the petitioner and on search he seized 4.300 kg. of Ganja from beneath of the counter box of the shop of the petitioner.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and petitioner is in custody since 04.11.2020 having no criminal antecedent. It is further submitted that the seizure list witnesses are not the independent witnesses.

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 the submission of learned counsel for the petitioner that allegedly from the shop of the petitioner 4.300 kg. of Ganja has been recovered, the seizure list witnesses are not the independent witnesses and further that the quantity of Ganja is much below the commercial quantity, the rigours of Section 37 would not be attracted, the petitioner is in custody since 04.11.2020, investigation against him is complete and prior to the present case he had no criminal antecedent, this Court directs release of the petitioner above-named 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 Sessions Judge, Banka, in connection with Special Case No. 03/2020 (arising out of Chandan P.S. Case No. 211 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.

(Rajeev Ranjan Prasad, J)

Rajeev/vats

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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'

