

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11265 of 2021**

Arising Out of PS. Case No.-262 Year-2020 Thana- PUPRI District- Sitamarhi

OM KUMAR YADAV @ OM YADAV son of Late Jaychandrar Yadav Resident
of Village- Nayatola, Jurabganj, P.S.- Kodha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP.

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 08-07-2021

. In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Pupri PS Case No. 262 of 2020 registered under Section 414 of the IPC and Sections 8/20(b)/22b of the NDPS Act.

There is allegation that pillion rider has been found in possession of 1.500 KG Ganja. The petitioner is stated to be driver of the motorcycle in question.

It is submitted by learned Counsel for the petitioner that the petitioner has no criminal antecedent. Recovery is much less than commercial quantity prescribed and 500 grams in excess of the small quantity. Recovery is not from the petitioner's conscious possession. The petitioner has no criminal antecedent and he is in custody since 6.9.2020.

Learned APP has opposed the prayer for bail.



Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Sitamarhi in Pupri PS Case No. 262 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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