

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4139 of 2022

Arising Out of PS. Case No.-174 Year-2021 Thana- BELA District- Sitamarhi

RAM UDAY KUMAR YADAV, SON OF SHATRUGHAN YADAV R/O
VILLAGE- GAWNPALIKA, P.S.- GOSHALA (WRONGLY MENTION P.S.-
RAGHUNATHPUR), DISTRICT- MAHOTARI (NEPAL)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE UNION OF INDIA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Rai

For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-06-2022 Heard learned counsel for the petitioner and

learned counsel appearing for Union of India.

The petitioner seeks bail in connection with Bela P.

S. Case No. 174 of 2021, registered for the offences

punishable under Sections 8/20(b)(ii)(c) of the NDPS Act.

As per allegation, the petitioner has been

apprehended on spot with 5 kgs. of Ganja, loaded in a

motorcycle.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

the present case. He further submits that even as per



allegation, the quantity of alleged recovery of Ganja is just above small quantity. The petitioner is a student of Class-XI and of 23 years of age.

However, learned counsel for the Union of India has vehemently opposed the prayer for bail submitting that the alleged offence is serious in nature having serious repercussions for society.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Hon'ble Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the age of the petitioner, quantity of the recovered ganja, which is just above small quantity and the clean antecedents of the petitioner, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of



Special Judge, Sitamarhi, in connection with Bela P. S. Case
No. 174 of 2021 on the following conditions:

(i) The petitioner will make himself available for
interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that
investigation/trial will not hamper on account of his absence
or non-cooperation. He must be available to the police or the
court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court
below that the petitioner has any criminal antecedent, the
learned court below shall cancel the bail bond of the
petitioner after hearing him and getting satisfied that the
petitioner has concealed his criminal antecedent despite his
knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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