

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9752 of 2022

Arising Out of PS. Case No.-134 Year-2021 Thana- ITARHI District- Buxar

Govind Yadav @ Dhoni Yadav S/o Birendra Yadav Resident of Vill - Bijhaura
Dera, P.S. - Itarhi, Dist. - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 7994 of 2022

Arising Out of PS. Case No.-134 Year-2021 Thana- ITARHI District- Buxar

Rajesh Srivastva S/o Late Kamaldeo Lal Resident of Village- Nai Bazar, P.S.-
Buxar Town, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11604 of 2022

Arising Out of PS. Case No.-134 Year-2021 Thana- ITARHI District- Buxar

Kundan Srivastava @ Kundan Kumar @ Kundan Sriwastwa Son Of Ranjan
Kumar Srivastva R/O Village- Nai Bazar, P.S.- Buxar (t), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 15724 of 2022

Arising Out of PS. Case No.-134 Year-2021 Thana- ITARHI District- Buxar

Rohan Thakur @ Diljale Thakur S/o Late Shusul Thakur R/o village-
Mitralok Colony (Buxar), P.S.- Buxar (M), Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 9752 of 2022)

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

(In CRIMINAL MISCELLANEOUS No. 7994 of 2022)

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

(In CRIMINAL MISCELLANEOUS No. 11604 of 2022)

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

(In CRIMINAL MISCELLANEOUS No. 15724 of 2022)

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with N.D.P.S. Case No. 17 of 2021 arising out of
Itarhi P.S. Case No. 134 of 2021 registered for the alleged
offences under Sections 399, 402, 120(B) and 411 of the Indian
Penal Code, Sections 25(1-B)a and 26/35 of the Arms Act and
Sections 20(B) and 22(c)/29 of the N.D.P.S. Act.

As per prosecution case, police received secret
information about gathering of miscreants for commission of
some offence and the police party reached the identified place.
On seeing the police party five persons on two motorcycles tried



to flee away from the spot and four of them on two motorcycles were apprehended who are the petitioners of the present case. From the possession of these petitioners one country made pistol/*katta* with one live cartridge each was recovered. Further from petitioner Rajesh Srivastva apart from firearm, recovery of 5.9 kg of *ganja* was also made. Two motorcycles were also recovered from the spot.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. Nothing incriminating has been recovered from the conscious possession of these petitioners and the alleged recovery is planted on the petitioners. Learned counsel further submits that the recovery of *ganja* has been shown from petitioner Rajesh Srivastva, but the search and seizure was not made in presence of any gazetted officer and it is in violation of Section 50 of N.D.P.S., Act. Learned counsel further submits that charge-sheet has been submitted against the petitioners and they are in custody since 12.04.2021.

Learned APP oppose the submission made on behalf of the petitioners. Learned APP submits that petitioners were apprehended with firearm and ammunition and recovery of 5.9



kg of *ganja* has also been made from the possession of one of the petitioners. Learned APP further submits that petitioners are all history-sheeters and there are a number of cases of serious nature pending against them..

Having considered the recovery of 5.9 kg of *ganja* apart from firearm and ammunition from the petitioner no.2 **Rajesh Srivastva**, I am not inclined to enlarge him on bail.

Hence, his prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same within a year.

However, having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioners no. 1, 3 and 4 namely, **Govind Yadav, Kundan Srivastava and Rohan Thakur** along with the submission of charge-sheet against them, they are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-IX, Buxar in connection with N.D.P.S. Case No. 17 of 2021 arising out of Itarhi P.S. Case No. 134 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the



petitioner no.1, 3 and 4.

(ii) The petitioner no.1, 3 and 4 will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner no.1, 3 and 4 will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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