

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9741 of 2022

Arising Out of PS. Case No.-44 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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MANTU YADAV Son of Kailash Yadav Resident of Village - Gariya, P.s.-
Rajpur, Distt.- Chatra (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate
For the Opposite Party/s : Mrs.Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned Counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 35(a), 41, 42 of the Indian Forest Act,
1972 and Sections 27, 15, 48(a)(c) of the N.D.P.S. Act.

Prosecution case, in short, is that 18 kgs poppy straw
and 20 kgs mahua are recovered.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the



petitioner. The petitioner has falsely been implicated in the present case. It is alleged that 18 kgs poppy straw and 20 kgs mahua are said to have been recovered from the motorcycle. The motorcycle in question does not belong to the petitioner. The name of the petitioner has transpired in this case on disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. The recovered poppy straw is below the commercial quantity. Hence Section 37 of the N.D.P.S. Act is not application in the present case. The petitioner had no knowledge regarding the alleged incident. There is no recovery of any incriminating article from the possession of the petitioner. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act and Section 100 of Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions



Judge, Gaya in connection with Forest/N.D.P.S. case No.44 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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