

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14380 of 2022

Arising Out of PS. Case No.-575 Year-2021 Thana- KOTWALI District- Munger

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MITHUN YADAV Son of Jungli Yadav Resident of Village - Raghunathpur,
Police Station - Sahebpur Kamal, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kant Mani Tripathi

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 15-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State

through video conferencing.

Petitioner seeks regular bail in a case registered for the

offence punishable under Sections 20 and 22 of the NDPS Act.

Allegedly, from the possession of this petitioner 5 kg

narcotic material suspected to be Ganja was recovered along with Rs

3800/- and a mobile phone and from the possession of co-accused 5

kg narcotic material suspected to be Ganja was also recovered.

The main submissions advanced by the learned counsel

for the petitioner are that petitioner has got no criminal antecedent, in

fact, at the time of alleged recovery he was going to attend the

function of his uncle and alleged recovery was not made before



independent person and he has been languishing in jail since 01.01.2022.

Learned APP appearing for the State has opposed the prayer for bail and submitted that from the possession of this petitioner 5 kg narcotic substance was recovered and same comes under the purview of less than commercial quantity and there is serious punishment under NDPS Act.

Having considered petitioner's clean antecedent and quantity of the alleged contraband which comes under the purview of lesser than commercial quantity and also considered the above submissions, in my view, a lenient approach may be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge, Munger in NDPS Kotwali P.S Case No. 575 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.



(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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