

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24536 of 2021

Arising Out of PS. Case No.-316 Year-2020 Thana- MANSI District- Khagaria

=====

DHIRAJ YADAV S/O LATE SHIVAN YADAV @ SHIV NANDAN YADAV
R/O VILLAGE- AHO GHAT (AHOKGHAT), P.S.- SAHEBPUR KAMAL,
DISTRICT- KHAGARIA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.

For the Opposite Party/s : Mr. M. Dayal, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Special (N.D.P.S.) P.S. Case No. 06 of 2020 arising out of Mansi P.S. Case No. 316 of 2020/G.R. No. 3397 of 2020 registered for the offence under Sections 20(b)(II)(B) of the N.D.P.S. Act.

According to the prosecution, 6.5 Kg. Ganja has been recovered from possession of the petitioner along with a Samsung Mobile as well as a motorcycle.

Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, according to the F.I.R, 6.5 Kg. of Ganja is said to have been recovered from the possession of the petitioner but the alleged quantity of Ganja does not fall within the purview of commercial quantity and the petitioner has sufficiently been punished for the alleged recovery as he has been languishing in judicial custody since 14.11.2020 i.e. more than one year. Moreover, the police after investigation has submitted charge-sheet under Section 20(b)(ii)(b) of the N.D.P.S. Act against the petitioner. He further submits that since the alleged recovery is of small quantity, thus, there is no bar to this Court to grant the privilege of bail to the petitioner.

Learned A.P.P. for the State has, vehemently, opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the quantum of recovery as well as the custody of the petitioner, let the, above named, 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 learned Special (N.D.P.S.) Case No. 06 of 2020 arising out of Mansi P.S. Case No. 316 of 2020 with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

braj/-

U		T	
---	--	---	--

