

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18471 of 2022**

Arising Out of PS. Case No.-208 Year-2021 Thana- ADAPUR District- East Champaran

Harendra Yadav S/o Bhuneshwar Yadav, Resident of Village-Semra, P.S.-
Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, APP.

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

3 16-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
N.D.P.S. Case No. 65 of 2021, arising out of Adapur P. S. Case
No. 208 of 2021 lodged under Sections 8, 20 (b) (ii) (C) of the
Narcotic Drugs and Psychotropic Substances Act.

As per the prosecution, there were four named
accused persons in the F.I.R.. Total recovery is 75 kg. of *Ganja*
and from petitioner one packet of 6.3 kg. is alleged to be
recovered.

Learned counsel for the petitioner submits that in the
present case 75 kg. of *Ganja* has been recovered, which was

available in 10 different packets having different weights. He further submits that from possession of the petitioner, only one packet weighting 6.3 kg. has been recovered, which is more than small quantity but lesser than commercial quantity. He further submits that section 37 of the N.D.P.S. Act is not applicable in the present case. He further submits that petitioner has clean antecedent, charge sheet has been filed in this case and he is in custody since 25.07.2021.

Learned counsel for the State opposes the prayer for bail and submits that case is relating to NDPS. One person arrested i.e. petitioner and rest persons could not be apprehended. They fled away throwing the respective packets of *Ganja* in the field, which were in their possession.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned 14th Additional Sessions Judge, Motihari, East Champaran in connection with N.D.P.S. Case No.65 of 2021, arising out of Adapur P.S. Case No. 208 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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