

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21595 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- BALIYA District- Begusarai

Siko @ Siko Yadav @ Sikandar Yadav @ Kutma, Son Of Rameshwar Yadav,
R/O Village- Aashoghat, P.O.- Bishnupur Aashoghat, P.S.- Sahebpur Kamal,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with N.D.P.S. Case No. 04 of 2022, arising out of Ballia P.S. Case No. 15 of 2022, registered for the alleged offences under Sections 8, 20, 21, 22 and 25 of the N.D.P.S Act.

The prosecution case is that the police received secret information about the petitioner and other co-accused persons being assembled at an orchard for the purposes of sale and purchase of ganja and psychotropic cough syrup. The Police recovered 50 gram of ganja and 538 bottles, each of 100 ml, of



cough syrup from the co-accused persons, who were apprehended from the spot. They disclosed the name of this petitioner as the person who escaped from the spot.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case at the instance of co-accused persons, who were on inimical terms with this petitioner. There is no evidence against this petitioner that he was involved in sale and purchase or transportating of any narcotic drug and psychotropic substance. Since nothing has been recovered from this petitioner, provisions of N.D.P.S. Act are not attracted. The petitioner is in custody since 23.02.2022.

Learned APP opposes the prayer for bail submitting that a huge quantity of intoxicating cough syrup along with 50 gram of ganja has been recovered from the co-accused persons and the petitioner was also present there. The petitioner has got criminal antecedent.

Having regard to the submissions made hereinabove and further considering the fact that nothing cogent appears to be on record to establish the presence of this petitioner at the spot and his involvement in the alleged crime and further considering his period of custody, the petitioner above named is



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 Sessions Judge, Begusarai in connection with N.D.P.S. Case No. 04 of 2022 arising out of Ballia P.S. Case No. 15 of 2022, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

However, learned court below is directed to frame the charge within four weeks.

(Arun Kumar Jha, J)

balmukund/-

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

