

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23032 of 2022

Arising Out of PS. Case No.-264 Year-2021 Thana- NAUGACHIA District- Bhagalpur

Sudama @ Sudama Yadav @ Santosh Yadav Son Of Late Ram Lal Yadav
R/O Village- Jurabganj, P.S.- Kodha, District- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anup Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioner and the

State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Naugachiya P.S. Case No. 264 of 2021 under sections
413/414/34 of the Indian Penal Code and Section 20/22 of the
NDPS Act.

The allegation in the FIR is that while the police
was on a patrolling duty and in course of vehicle checking, they
intercepted a motorcycle which was riding by two persons and
upon search the vehicle, it is alleged that amongst other from
this petitioner 1.300 kgs. of ‘Ganja’ was recovered/seized
besides mobile and number of sims as also Rs. 15000/- etc. As



he failed to provide any document relating to the said recovery, the same were seized and he was taken into custody.

Learned counsel for the petitioner submits that the police has implicated him in this case only because he has one dozen criminal cases lodged against him, most of them under section 392 of the Indian Penal Code. He further submits that the petitioner is in custody since 30.6.2021 (as stated in para-19 of the bail application).

Taking into account the recovery/seizure of the 'Ganja' which is 1.3 kgs., charge-sheet stands submitted and the petitioner is in custody since 30.6.2021, this Court is inclined to grant him the privilege of bail with strict conditions in view of the fact that he has one dozen criminal cases registered against him.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of A.D.J.-I, Naugachiya, in connection with Naugachiya P.S. Case No. 264 of 2021 Spl. NDPS Case No. 38 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight till the conclusion of the trial to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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