

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.40199 of 2021**

Arising Out of PS. Case No.-42 Year-2021 Thana- BANMANKHI District- Purnia

1. KISHORE YADAV @ KISHORE KUMAR YADAV @ KISHOR, Son of Late- Raj Kishore Yadav, Resident of Village- Kurda Karbeli, P.S.- Kumar Khand, District- Madhepura.
2. Chandan Kumar, Son of Late- Baleshwar Yadav, Resident of Village- Kurda Karbeli, P.S.- Kumar Khand, District- Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 08-02-2022 Learned counsel for the petitioners undertakes to remove the defects as pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioners and Ms. Sharda Kumari, learned APP for the State.

The petitioners in the present are seeking regular bail in connection with Special (NDPS) Case No. 03 of 2021/CIS No. 03 of f2021 arising out of Banmankhi P.S. Case No. 42 of 2021 registered for the offences punishable under Section 8(C) and 20 (b) (ii) of the Narcotic Drugs and Psychotropic Substances Act. The petitioners are in custody since 02.02.2021 They have no criminal antecedent.



As per the prosecution story, on 01.02.2021 the informant got secret information regarding coming of some smugglers of narcotics. The informant along with other police officials proceeded for patrolling and while he was present at Pipra Chowk he received information that two boys are coming with Ganja by Apache Motorcycle, thereafter the informant reached at 40RD bridge, in the meantime, he saw two boys are coming from Banmankhi by motorcycle and on seeing both were trying to escape but they were apprehended and disclosed their names as Kishore Yadav and Chandan Kumar. Thereafter, on search 5.173 Kg. of Ganja including two sealed cover bag were recovered from possession of these petitioners.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the alleged recovery of Ganja is 5.173 Kgs. which is much less than the commercial quantity and the petitioners are in custody since 02.02.2021 having no criminal antecedent.

Ms. Sharda Kumari, learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Having regard to the submissions that in this case the quantity of Ganja is 5.173 Kgs. which is less than the commercial quantity and the rigours under Section 37(2)(b) would not be



attracted and further submission that the petitioners are in custody for over one year in connection with this case, this Court directs release of the petitioners above named on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS Act, Purnea in connection with Special (NDPS) Case No. 03 of 2021/CIS No. 03 of f2021 arising out of Banmankhi P.S. Case No. 42 of 2021, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

