

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41207 of 2021

Arising Out of PS. Case No.-42 Year-2021 Thana- CHHATAUNI District- East Champaran

Parash Yadav @ Parash Prasad S/O Late Yogendra Yadav R/O Village-Chhoto
Katharhi, P.S-Lakhaura, District-East Champara, Motihari.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 07-02-2022 Heard learned counsel for the petitioner and Ms. Sharda Kumari, learned A.P.P. for the State through virtual Court proceedings.

The petitioner seeks bail in connection with N.D.P.S. Case No. 14 of 2021 arising out of Chhatauni P.S. Case No. 42 of 2021 instituted for the offences under Sections 8, 20(b)(ii)(c) of the N.D.P.S. Act and Sections 25(1-b), 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 02.04.2021, charge-sheet has been submitted in the case and has got one criminal antecedent as stated in the supplementary affidavit.

Learned counsel for the petitioner submits that the informant alleges that 1 kg 200 grams *charas* and one mobile



was recovered from Biltu Sah and two eight mm cartridges were recovered from Awadhesh Rai along with a mobile. It is further alleged that they disclosed that they had demanded extortion amount of Rs. 15 lakhs from Prakash Kumar, owner of Vishwakarma Hardware and further had come to deliver *charas* to Paras Yadav who sells *charas* in Motihari.

Learned counsel for the petitioner submits that petitioner has been falsely implicated based on the confessional statement of co-accused, further the petitioner, though named in the F.I.R. but was not arrested from the spot as such nothing was recovered from his position. Learned counsel thus submits that confessional statement as such does not have any evidentiary value in the eyes of law.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 02.04.2021, charge-sheet has been submitted in the case, was not arrested from the spot and his name transpired in the confessional statement of co-accused, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional



Sessions Judge, East Champaran, Motihari in connection with
N.D.P.S. Case No. 14 of 2021 arising out of Chhatauni P.S. Case
No. 42 of 2021 with a condition that one of the bailor shall be
the nephew of the petitioner (Pappu Yadav) and further if the
petitioner is implicated in a case of similar nature, the court
below will be at liberty to cancel his bail bonds.

(Satyavrat Verma, J)

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