

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33009 of 2022

Arising Out of PS. Case No.-63 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

JAIKARAN YADAV SON OF RAGHU YADAV RESIDENT OF VILLAGE-
MANIKPUR, P.S.- BABARGANJ, DISTRICT- BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh
For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Petitioner seeks regular bail in a case registered for the
offences punishable under sections 25(I-b)a, 26, 35 of the Arms Act
and sections 20(f)(c), 23 (c), 25 of NDPS Act

As per allegation, the police got information that this
petitioner and co-accused persons fired in order to create panic and in
respect of that incident, police lodged another case and thereafter in
course of investigation, police raided a suspected place from where
petitioner and two co-accused persons were apprehended and from
possession of this petitioner 600 gram narcotic substance suspected
to be ganja and one loaded country made pistol were recovered.

The main submissions advanced by Sri Rajive Ranjan
Singh, the learned counsel appearing for the petitioner are that



petitioner has been languishing in jail since 9.3.2021, he has been charge sheeted, alleged recovered narcotic material comes under the purview of small quantity and there is no independent witness of the alleged search and seizure.

Sri Syed Ehteshamuddin, learned APP appearing for the State has opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering the above submissions mainly taking into account the fact that the alleged recovered suspected narcotic material comes under the small quantity and recovery of firearm was made before the police personal and the petitioner is now facing trial and most of the material witnesses of the prosecution who are to be examined during trial are official witnesses, in the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge, Bhagalpur in Mojahidpur (Babarganj) P.S Case No. 63 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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