

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34535 of 2022

Arising Out of PS. Case No.-627 Year-2021 Thana- ARARIA District- Araria

Akhilesh Kumar Yadav Son Of Kamendra Yadav R/O- Vill- Dhouli Tola
Kamblabari Ward No.-8, P.S.- Jainagar, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr.Jagdhari Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and learned APP
for the State through virtual court proceeding.

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 Araria (R.S.) P.S. Case No. 627 of 2021 registered for the alleged offences under Sections 21(c) and 22 of the N.D.P.S Act.

As per prosecution case, police received secret information about some persons carrying illegal contraband in a Scorpio vehicle. The said vehicle was intercepted and three persons were apprehended from the vehicle whereas two persons escaped from the said vehicle. From the apprehended persons, about 200 gm of smack was recovered. The apprehended persons named this



petitioner along with other co-accused Mukesh Kumar who fled away from the spot on seeing the police.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. It is apparent from the F.I.R. that three persons were apprehended along with the vehicle and from these apprehended persons recovery of smack(brown sugar) has been made. The petitioner was not arrested from the spot and nothing incriminating has been recovered from his possession. The name of the petitioner transpired only in the statement of apprehended co-accused persons and except for that statement, there is nothing to show the complicity of the petitioner. The petitioner has no concern either with the allegedly seize vehicle or with the co-accused persons or the contraband recovered from them. Charge sheet has been submitted in this case and the petitioner is in custody since 13.03.2022. Similarly placed co-accused Mukesh Kumar has been granted bail vide order dated 10.08.2022 passed in Cr. Misc. No. 24065 of 2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that petitioner escaped from the spot and a raid was conducted and from co-accused persons, recovery of 200 gm smack has been made.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no



recovery of any contraband has been shown from this petitioner, 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, Araria in connection with Araria (R.S) P.S. Case No. 627 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on 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.

(Arun Kumar Jha, J)

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