

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44908 of 2021

Arising Out of PS. Case No.-230 Year-2021 Thana- SUGAULI District- East Champaran

Lallan Yadav Son of Kanhaiya Yadav Resident of Village - Mali ward no. 6,
P.S.- Sugauli, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with N.D.P.S. Case NO. 40 of 2021 arising out of Sugauli P.S. Case No. 230 of 2021 registered for the offences punishable under Sections 414 of the Indian Penal Code, Section 30(a) of the Bihar Prohibition and Excise Act and Section 20(b)(ii)(A) of N.D.P.S. Act.

According to prosecution case, on search 200 grams of Ganja and 5 liters of country made liquor and a motorcycle was recovered from the house of the petitioner.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that 200 gms. of Ganja and 5 liters of country made liquor and one motorcycle has been recovered from the possession of the petitioner. He further submits that as per Narcotic Drugs and Psychotropic Substances Act, 1985, commercial quantity of Ganja is 20 kg. It appears that quantity of Ganja recovered from the petitioner is less than the commercial quantity, hence, there is no bar to grant of bail to the petitioner. He further submits that after investigation police has submitted the charge sheet against the petitioner and other co-accused persons. The petitioner is in custody since 31.05.2021.

The learned Additional Public Prosecutor opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Sessions Judge/Special Judge, Motihari, East Champaran in connection with N.D.P.S. Case No. 40 of 2021 arising out of Sugauli P.S. Case No. 230 of 2021, subject to 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 and shall remain physically present as directed by the court 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. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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