

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36003 of 2022**

Arising Out of PS. Case No.-157 Year-2020 Thana- RAMGARHWA District- East
Champaran

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ARUN YADAV Son of Rameshwar Yadav Resident of Village - Pachbhiriya,
P.S.- Ramgarhwa, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhanendra Chaubey

For the Opposite Party/s : Mr.Amit Kumar Rakesh

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 29-09-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with NDPS

Case No. 65 of 2020 arising out of Ramgarhwa P.S. Case No.

157 of 2020 registered for the offences punishable under

Sections 20, 22, 23, 24 of the N.D.P.S. Act.

As per prosecution case, there is alleged recovery

of 1100 gram ganja and two mobiles from possession of co-

accused Sanjay Pandit. There is also recovery of one mobile

from possession of co-accused Bhola Kumar Yadav and the said



apprehended co-accused persons disclosed the name of petitioner and other who fled away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 04.01.2022 and bears criminal antecedent of three cases out of which one case is of similar nature in which he has been granted bail. Learned counsel further submits that petitioner has been falsely implicated in this case. No incriminating article has been recovered from possession of the petitioner. Co-accused Sanjay Pandit and Bhola Kumar Yadav against whom recovery has been made have already been granted bail vide Cr. Misc. No. 40771 of 2020 and Cr. Misc. No. 32524 of 2020 respectively and the case of present petitioner stands on better footing keeping in view this fact that petitioner is not apprehended on the spot. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, co-accused against whom recovery has been made has



already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 14th Additional Sessions Judge cum Special Judge, NDPS, East Champaran at Motihari in connection with NDPS Case No. 65 of 2020 arising out of Ramgarhwa P.S. Case No. 157 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar



nature of offences in future, the learned trial court shall be at
liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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