

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36063 of 2022**

Arising Out of PS. Case No.-549 Year-2021 Thana- PARBATTa District- Khagaria

Jichchhu Yadav @ Jitendra Yadav Son of Late Ganeshi Yadav Resident of  
Village - Baisa, P.S.- Parbatta (Maraiya), District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      20-09-2022                      Let the defect, if any, be removed within two weeks  
from today.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks regular bail in connection with  
Parbatta (Maraiya) P.S. Case No. 549 of 2021 lodged under  
Sections 20, 22 of the N.D.P.S. Act alongwith section 25(1-b)a,  
26 and 35 of the Arms Act.

As per the prosecution case, allegation made in the  
F.I.R. of the recovery of 100 gms of *Ganja* and one country  
made pistol has alleged to be recovered from the possession of  
the petitioner.

Learned counsel for the petitioner submits that neither  
*Ganja* nor arms has been recovered from the conscious

possession of the petitioner. He further submits that both the articles were recovered at the strange place kept in a polythene and in a bag outside the house of the petitioner. Ganja was recovered from inside and the pistol was recovered from outside of the petitioner's house. Learned counsel for the petitioner submits that petitioner is in custody since 01.02.2022 having clean antecedent. He further submits that charge sheet has already been filed. He submits that the alleged *Ganja* that is 100 gms is below small quantity.

Learned counsel for the State opposes the prayer for bail and submits that the *Ganja* as well as Arms have been recovered.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III-cum-Special Judge (N.D.P.S. Act), Khagaria in connection with Parbatta (Maraiya) P.S. Case No. 549 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

**(Dr. Anshuman, J.)**

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