

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46444 of 2021

Arising Out of PS. Case No.-13 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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LALAN YADAV S/o Shyamjit Yadav R/o village- Naya Tola, Bhatwa, P.S.-
Jadopur, District- Gopalganj

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Union of India through N.C.B., Patna, Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava
For the Union of India : Smt. Shail Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-01-2022 Heard the learned counsel for the petitioner and Smt.

Shail Kumar, learned Central Government counsel, for Union of

India.

The petitioner seeks bail in connection with N.C.B.

Case No.13 of 2019, instituted for the offences under Sections 8,

20, 25, 29 of the N.D.P.S. Act.

The learned counsel for the petitioner submits that the

petitioner is in custody since 26.05.2019, he is a person with

clean antecedent, charge-sheet has been submitted in this case.

Allegation is of recovery of 240 kg. of *Ganja* from the

vehicle as detailed in the FIR.

The learned counsel for the petitioner submits that

altogether 13 persons were arrested and as such 240 kg. *Ganja*

which is alleged to be recovered and if distributed on each one of them, the same comes to 18 per kg. per head which is less than commercial quantity. This argument of the petitioner is without any merits.

The learned counsel for the petitioner further submits that co-accused Dineshwar Yadav has been granted bail by order dated 05.06.2020 in Cr. Misc. No. 17208 of 2020 and Iqwal Mukhiya @ Iqbal Mukhiya has been granted bail by order dated 26.02.2020 in Cr. Misc. No.10445 of 2020. The learned counsel for the petitioner further submits that the petitioner are languishing in custody for nearly more than two and a half years and a person with clean antecedent and similarly situated co-accused has been granted bail.

Learned Central Government counsel opposes the bail application and submits based on counter affidavit that co-accused Munna Yadav bail was rejected by order dated 22.09.2020 in Cr. Misc. No.28631 of 2021, Sharma Yadav bail was rejected by order dated 15.09.2021 in Cr. Misc. No.28836 of 2021, Lalan Yadav bail was rejected by order dated 25.01.2021 in Cr. Misc. No.18436 of 2020 the bail petition of Raj Kumar @ Raj Kumar Mahto was rejected by order dated 02.11.2020 in Cr. Misc. No.22548 of 2020 and similarly bail

application of Alam was rejected by order dated 19.07.2021 in Cr. Misc. No.9808 of 2020. The learned counsel for the petitioner submits that though bail of these petitioners have been rejected but then similarly situated co-accused have been granted bail as aforesaid on which the learned Central Government counsel, Smt. Shail Kumari submits that trial in question has commenced and the order by which the co-accused have been granted bail is not reasoned order and the order does not record any reason for granting bail.

Considering the fact and the recovery of *Ganja* is of commercial quantity, the Court is not inclined to grant bail to the petitioner, therefore, the prayer for bail of the petitioner is hereby rejected.

(Satyavrat Verma, J)

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