

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39108 of 2022

Arising Out of PS. Case No.-75 Year-2019 Thana- ROSHANGANJ District- Gaya

BISHUN YADAV Son of Nanhak Yadav Resident of Village - Varwadih, P.S.-
Kunda, District - Chatra (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Union of India through its Director, Department of Bureau of Narcotic
Drugs. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Adv.
For the State	:	Mrs.Shaheen Begum, APP
For Union of India	:	Mrs. Kanak Verma, C.G.C.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-11-2022 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, learned
counsel appearing for the Union of India and learned A.P.P. for the
State.

The petitioner seeks bail in connection with
Raushanganj (Bankebazar) P.S. Case No. 75 of 2019 registered for
the offences punishable under Sections 15 and 18 of the N.D.P.S.
Act.

As per prosecution case, on secret information
received by the police to the effect that huge quantity of Doda was
being carried by the petitioner and others, the raiding team stopped
a bus coming from the western side and upon search, two persons



were apprehended whose names were Arjun Yadav and Dharamdeo Yadav and they disclosed the name of present petitioner who got down from the bus and fled away. It is further alleged that on the disclosure made by the co-accused persons apprehended from the spot, 29 kg of peels of Posta and 38 kg of peels of Catechu were recovered from the dickey of the bus.

Learned counsel for the petitioner submits that petitioner is in custody since 03.05.2022 and bears no criminal antecedent. He further submits that co-accused Arjun Yadav and Dharam Deo Yadav who were apprehended on the spot have already been granted bail by co-ordinate Benches of this Court vide Cr. Misc. No. 77057 of 2019 and Cr. Misc. No. 67418 of 2019 respectively and the case of present petitioner stands on better footing keeping in view this fact that petitioner is neither apprehended on the spot nor anything has been recovered from his possession. Except the disclosure of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence.

Learned counsel appearing for Union of India and learned A.P.P. for the State oppose the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner,



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 Sessions Judge cum Special Judge, NDPS Act, Gaya in connection with Raushanganj (Bankebazar) P.S. Case No. 75 of 2019, 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.

(Alok Kumar Pandey, J)

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