

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48886 of 2021

Arising Out of PS. Case No.-73 Year-2021 Thana- HAYAGHAT District- Darbhanga

HARI NARAYAN YADAV @ HEERA YADAV Son of Ram Briksh Yadav
Resident of Village- sonihar, Police Station- Alauli, District- Khagaria, at
present Mahadev Sthan Jatmalpur, P.S.- Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Chitranjan Sinha, Sr. Adv. Mr. Ranjit Kumar Yadav, Adv. Miss Surya Nilambri, Adv.
For the Opposite Party/s :	Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 20 and 22 of the NDPS Act.

As per the prosecution case, 10.4 kgs of *ganja* was recovered from the motorcycle of the petitioner, 5 kgs from the cycle of accused Md. Kalam and 45 kgs from the coaccused besides other articles as mentioned in the FIR.

It is submitted by learned Senior counsel appearing for the petitioner that the petitioner has been falsely implicated in the case because of his antecedents. Further referring to the three seizure lists together with the statement made in paragraph no.3 of the supplementary affidavit it is submitted that inspite of the three places of seizure being Auto stand Hayaghat, Railway



Gumti and Panchayat Bhawan West Bilashpur which are at a considerable distance from each other, besides the distances being covered in no time, surprisingly, the seizure list witnesses in all the three seizures are the same namely Mithilesh Paswan and Bablu Kumar Paswan. The petitioner is in custody since 24.5.2021. There is no FSL report on record and chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the material that has transpired in course of investigation specially the contents of the seizure list wherein in all the three seizures both witnesses to the seizure are the same, together with the petitioner having remained in custody for over 10 months and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Hayaghat P.S. Case no. 73 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Darbhanga.

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(Partha Sarthy, J)

