

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49692 of 2021

Arising Out of PS. Case No.-169 Year-2021 Thana- HARLAKHI District- Madhubani

Nagendra Kumar Yadav @ Nagendra Yadav Son of Late Laxmi Yadav
Resident of Village- Digiya Tol, P.S.- Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-03-2022 Heard.

The petitioner seeks regular bail in connection with Harlakhi P.S. Case No. 169 of 2021, G.R. No. 15 of 2021, registered for the offence punishable under sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018 and section 20/22 of the N.D.P.S. Act.

The allegation is regarding recovery of 15 liters of illicit Nepali liquor and 5.125 kg. of ganja, after the petitioner and one co-accused person was apprehended by the police while they were travelling on a motorcycle and their bag as also the dicky of the motorcycle in question was searched. It is alleged that illicit Nepali liquor was recovered from the dicky of the motorcycle and the narcotic like substance was recovered from bag of the accused persons.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 21.06.2021. The learned counsel for the petitioner has further submitted by referring to paragraph no. 10 of the present petition that the petitioner is not the owner of the motorcycle in question. It is further submitted that in any case the quantity of ganja seized is much less than the commercial quantity defined in the schedule notified under the NDPS Act, 1985, hence there is no impediment in granting bail to the petitioner.

Per contra, Ms. Anita Kumari Singh, the learned APP for the State, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the fact that the quantity of ganja seized is much less than the commercial quantity defined in the schedule notified under the NDPS Act, 1985, apart from the fact that the petitioner is having a clean antecedent and is languishing in



custody since more than six months, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Court of Addl. Sessions Judge-II cum Special Judge, Excise Act, Madhubani in connection with Harlakhi P.S. Case No. 169 of 2021, G.R. No. 15 of 2021.

(Mohit Kumar Shah, J)

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