

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40609 of 2022**

Arising Out of PS. Case No.-422 Year-2021 Thana- BIRPUR District- Supaul

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BIREN KUMAR YADAV Son of Ram Pujan Yadav Resident of village- Bela,
Ward No. 7, near SSB Camp. P.S- Ghurna, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary, Advocate

For the Opposite Party/s : Mr.A.G, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-10-2022 Heard learned counsel for the petitioner and

learned counsel for the State.

Let the defect(s), if any, as pointed out by the
office be removed within four weeks.

The petitioner is in judicial custody in
connection with Birpur P.S. Case No. 422 of 2021 for the
offences under Sections 8/20(b)(iii) B/22(b) of the NDPS
Act.

As per the prosecution story, the police upon
patrolling, recovered 10.16 grams of 'heroin' from Biren
Kumar Yadav and Jitendra Kumar. It is further alleged that
upon information from them, raided the house of Pintu



Kumar Yadav and during search, police recovered/seized 53.10 grams of 'heroin'. Accordingly, the seizure list prepared and the FIR was instituted.

Learned counsel for the petitioner submits that he is a young boy of 20 years and has been falsely implicated in this case. He do not have any criminal antecedent. The recovery/seizure has been shown to be 10.16 grams (so far as this petitioner is concerned) which is much below the commercial quantity for which he has already suffered by being in custody since 6.12.2021 (as stated in para-11 of the bail application).

Learned APP submits that the same is above the quantity of 5 grams. However, he concedes that it is below 250 grams which is the commercial quantity.

Taking into account the fact that the petitioner is 20 years of age, is a young boy, do not have criminal antecedent and need a chance to reform himself, has remained in custody since 6.12.2021 and recovery is of 10.16 grams, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand)



with two sureties of like amount each to the satisfaction of learned District and Sessions Judge, Supaul/Incharge Successor in connection with NDPS (Spl.) 11 of 2021, arising out of Birpur P.S. Case No. 422 of 2021 subject to the following conditions :-

(i) both the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash
Narayan/Ajay-

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