

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40863 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- ARA MUFFSIL District- Bhojpur

1. JAGARNATH YADAV Son of Mala Yadav Resident of village - Salempur, P.S.- Ara (Muffasil) Dhobhan, District - Bhojpur, Ara.
2. Guddu Yadav Son of Jagarnath Yadav Resident of village - Salempur, P.S.- Ara (Muffasil) Dhobhan, District - Bhojpur, Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Prasad Singh, Senior Advocate
For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-10-2022 Heard Mr. Krishna Prasad Singh, learned counsel for the petitioners and learned APP for the State through video conferencing in view of the COVID 19.

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

The petitioner is an accused in connection with Ara(Muffasil) Dhobhan P.S. Case No. 55 of 2022 under Sections 21(C) and 29 of N.D.P.S. Act.

As per the prosecution story, the police upon information raided the house and Pappu Prasad along with the Duty Magistrate armed with all the necessary materials/papers where it is said that the although, the other accused persons fled



away one person was caught who disclosed his name as Pappu Prasad and upon search of one steel pot, a white color polythene was recovered/seized from which 370gm '*heroin*' and further in another white colour polythene, some pieces of 80 pouches weighing 70 gms was also recovered/seized. Thus altogether 410 gms '*heroin*' was recovered/seized. Accordingly, the same was weighed and after taking necessary steps in the presence of the Duty Magistrate, the said Pappu Prasad was taken into custody and F.I.R lodged.

Learned Senior counsel submits that the recovery/seizure is attributed to accused Pappu Prasad. The petitioner has not been arrested from the spot and it is on the basis of the confessional statement of the said Pappu Prasad that he has been roped in and accordingly he is in custody since 27.05.2022 (as stated in paragraph-15 of bail application). He further submits that the petitioner do not have criminal antecedent (as stated in the paragraph-3 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that 410gm '*heroin*' was recovered/seized and in that background, he should not be granted the privilege of bail.

Taking into account the fact that all the



recovery/seizure of 410gm of 'heroin' is from Pappu Prasad and the name of the petitioner has come on his confessional statement, he is in custody since 27.05.2022, charge sheet stands submitted and he do not have criminal antecedent, this Court is inclined to grant him 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, Bhojpur, Ara-cum Special Judge N.D.P.S Act in connection with Ara (Muffasil) Dhobhan P.S. Case No. 55 of 2022, subject to the following conditions.

(i) one of 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 bail by the Trial court itself;

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

(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 his 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 his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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