

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33176 of 2021

Arising Out of PS. Case No.-60 Year-2021 Thana- MANJHAGARH District- Gopalganj

VIJESH YADAV @ VIJESH KUMAR YADAV Son of Sri Ramesh Yadav
Resident of Village - Dhama Pakar Malikana, P.S.- Manjhagarh, District –
Gopalganj. Petitioner/s

Versus

The State of Bihar Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52026 of 2021

Arising Out of PS. Case No.-60 Year-2021 Thana- MANJHAGARH District- Gopalganj

NASIR ALI Son of Mustak Sah Resident of Village - Bahora Tola, P.S.-
Manjhagarh, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33176 of 2021)

For the Petitioner/s : Mr.Gautam Kumar Yadav, Adv

For the Opposite Party/s : Mr.Awadhesh Kumar Singh,APP.

(In CRIMINAL MISCELLANEOUS No. 52026 of 2021)

For the Petitioner/s : Mr.Javed Aslam,Adv

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-02-2022

Ref:Cr.Misc. No.33176 of 2021

Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

Supplementary affidavit has been filed on behalf of
the petitioner to disclose the criminal antecedent of the
petitioner and his date of custody.

The petitioner seeks bail in connection with
S.Tr.No.13 of 2021 arising out of Manjhagarh P.S.Case No. 60



of 2021 registered for the offence under Sections 399,402,414 of the Indian Penal Code, Sections 25(1-b)a/26(1)/35 of Arms Act and Sections 8(c) and 21(a) 22(a) N.D.P.S.Act.

The prosecution case, in short, is that on search of accused petitioner, two empty wrapper of medicine found from his right pocket and on which Lorazepam had written and net total quantity of 15.600 Gms one Real Me mobile recovered from his possession.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that one Hero Honda Splendour motorcycle, one Real Me Mobile and 10 purias like narcotic substance is measurement at 15.600 Gms. He further submits that the recovered narcotic substance is not a commercial quantity rather the recovered quantity is small one. He further submits that the recovered motorcycle is purchased in the name of the brother, namely, Shailesh Yadav, of the petitioner and the mobile is said to be recovered from possession of the petitioner which belonged to the petitioner. He further submits that the recovered substance is less than commercial quantity. Hence, there is no bar for this Court to grant the privilege of bail to the petitioner.



Petitioner is in custody since 21.02.2021.

Learned A.P.P. for the State fairly submits that the recovered narcotic substance is Lorazepam is a psychotropic substance while six mono cite, one morphine is an opium is derivative a Narcotic Drug. He further submits that the F.S.L. Report be produced. He further submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge-cum-Special Judge, N.D.P.S., Gopalganj in connection with S.Tr.No.13 of 2021 arising out of Manjhagarh P.S.Case No. 60 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.



And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Ref:Cr.Misc. No.52026 of 2021

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with S.Tr.No.13 of 2021 arising out of Manjhagarh P.S.Case No. 60 of 2021 registered for the offence under Sections 399,402,414 of the Indian Penal Code, Sections 25(1-b)a/26(i) of Arms Act and Sections 8(c),21(a), 22(a) N.D.P.S.Act.

The prosecution case, in short, is that on search of accused petitioner, total 16.450 Milligrams intoxicant like narcotic psychotropic substance was recovered besides motorcycle, country made pistol loaded with one live cartirdge, mobile etc.

Learned counsel appearing for the petitioner submits



that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that one Hero Honda Splendour motorcycle, one Black Nokiya Mobile and 10 purias like narcotic substance is measurement at 16.450 Milligrams. He further submits that the recovered narcotic substance is not a commercial quantity rather the recovered quantity is small one. He further submits that the recovered motorcycle is not the stolen property and the mobile is said to be recovered from possession of the petitioner which belonged to the petitioner. He further submits that the recovered substance is less than commercial quantity. Hence, there is no bar for this Court to grant the privilege of bail to the petitioner. Petitioner is in custody since 22.02.2021.

Learned A.P.P. for the State fairly submits that the recovered narcotic substance is Lorazepam is a psychotropic substance while six mono cite, one morphine is an opium is derivative a Narcotic Drug. He further submits that the F.S.L. Report be produced. Petitioner has got one criminal antecedent.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Gopalganj in connection with S.Tr.No.13 of 2021 arising out of Manjhagarh P.S.Case No. 60 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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