

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53393 of 2022

Arising Out of PS. Case No.-386 Year-2022 Thana- SHERGHATI District- Gaya

Sunil Yadav, S/o Raja @ Raja Yadav R/o village- Ranipur Dera, Post-Nurpur(Noorpur), P.S.- Nunahara, District- Ghazipur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Mishra, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-12-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Nityanand Mishra, learned counsel appearing on behalf of the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Sherghati (Dobhi) P.S. Case No. 386 of 2022 registered for the offences punishable under Sections 20 (ii)(c) and 22(c) of the Narcotic Drugs and Psychotropic Substances Act.

The prosecution case is based on a written report filed by the informant alleging therein, that on 21.05.2022 on a secret information, the police personnel intercepted a Scorpio Vehicle and apprehended five persons, who were sitting, therein. It is



further alleged that from the possession of accused 'Dharmendra Singh Yadav', 135 gm brown sugar and a mobile set along with cash of Rs. 1,19,000/- was recovered. The petitioner is said to be driver of the Scorpio vehicle.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is the driver and owner of the said seized Scorpio vehicle and in fact the vehicle runs for the purposes of transportation of goods and carriage of passengers on rent. He further submits that the other accused persons booked the vehicle from 'Gazipur to Dobhi' to attend the function and he was not even knowing, what other accused persons were carrying along with them. He next submits that the petitioner has no concern with the other accused persons from whose possession, recovery has been made. He further submits that other accused persons, who were sitting in the Scorpio vehicle and from whose possession, recovery has been made, they have been allowed the privilege of bail vide Cr. Misc. No. 40367 of 2022, 41369 of 2022 and 42040 of 2022 vide order dated 23.11.2022 by the learned co-ordinate Bench of this Court. He lastly submits that the petitioner is a man of fair antecedent and is in custody since 24.05.2022 and, moreover, no incriminating material has been recovered from his person or



possession.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the complicity of the petitioner cannot be denied.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner happens to be driver of the vehicle, which runs for carriage of the passengers on rent, apart from the fact that other co-accused persons, from whose possession recovery has been made, they have been allowed the privilege of bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS Act, Gaya, in connection with Sherghati (Dobhi) P.S. Case No. 386 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

shivank/-

U		T	
---	--	---	--

