

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.55244 of 2022**

Arising Out of PS. Case No.-94 Year-2022 Thana- JADOPUR District- Gopalganj

Dewendra Yadav @ Devendra Yadav Son of Late Nathuni Chaudhary R/O
Village- Patahara, P.S.- Yadopur, District- Gopalganj

... .. Petitioner/s

Versus

1. The Union Of India
2. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Harendra Prasad, Advocate
For the State	:	Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and Mr.
Brajendra Nath Pandey, learned A.P.P. for the State.

No one appears for the Union of India. In the circumstances, this Court has taken assistance from Mr. Brajendra Nath Pandey, learned APP who appears for the State of Bihar (O.P.No.2)

Petitioner, in the present case, is seeking regular bail in connection with Tr.No.39/2022, Yadopur P.S. Case No.94/2022 registered for the offences punishable under Sections 8(c), 20(b)(ii)B, 21(b), 22(b) of the N.D.P.S. Act. He is in custody since 06.06.2022. He has got one criminal antecedent.



Learned counsel for the petitioner submits that as per the prosecution story, 537.79 gms of charas like substance was recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the seized 537.79 gms of charas like contraband narcotics is much less than the commercial quantity and the rigours of Section 37 of the NDPS Act would not be attracted in this case.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein as per the allegation the informant is said to have seized 537.79 gms of charas like contraband narcotics which is much less than the commercial quantity and the rigours of Section 37 of the NDPS Act would not be attracted in this case, the petitioner has already remained in custody since 06.06.2022, investigation against him is complete and his presence may be secured in course of trial, therefore, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned



District and Sessions Judge, Gopalganj in connection with
Jadipur P.S. Case No.94/2022, subject to the condition as laid
down under Section 437 (3) Cr.P.C.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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