

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66013 of 2021

Arising Out of PS. Case No.-33 Year-2021 Thana- SUHAIL District- Gaya

SATYENDRA YADAV @ SATENDRA YADAV Son of Saryu Yadav @
Suryan Yadav Resident of Village - Ragiya, Police Station - Manati, District -
Palamu.

... .. Petitioner/s

Versus

1. The Union of India through D.R.I. Gaya. Bihar
2. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Syed Asgher Najmi, Advocate
For the Opposite Party/s :	Mr.K.N.Singh A.D.S.G
	Mr. Ravi Kant Kumar, APP
	Mr. Tarkeshwar Nath Thakur, APP
	Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 12-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sohail P.S. Case No. 33 of 2021, N.D.P.S. Case No. 66 of 2021, registered for the alleged offences under Sections 8, 20(B)(ii)(c), 25 and 29 of the N.D.P.S. Act.

As per prosecution case, on secret information, a Cruiser vehicle was intercepted and from the petitioner sitting on passenger seat, 950 gm liquid opium was recovered. From co-



accused 1050 gm opium was also recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. The vehicle used in the alleged occurrence does not belong to this petitioner. Nothing incriminating has been recovered from this petitioner. Even on the seizure list, the signature and the thumb impression of the witnesses are different. The petitioner was merely a passenger on the vehicle and he has been implicated in false and concocted case. Learned counsel further submits that none of the offences as mentioned in the F.I.R. are made out against this petitioner and the offence punishable is for carrying prepared opium and not the liquid opium. Moreover, the opium recovered was less than the commercial quantity. No report has been received regarding nature of the seized contraband. Charge sheet has been submitted in this case and the petitioner is in custody since 29.08.2021. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the recovery has been made from the bag kept by the petitioner in his lap and the witnesses have supported the prosecution case from paragraph 16 to 20 of the case diary.

Perused the records.

Having regard to the facts and circumstances and the



submission made on behalf of the parties and considering the period of custody of the petitioner along with clean antecedent and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Gaya in connection with Sohail P.S. Case No. 33 of 2021, N.D.P.S. Case No. 66 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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