

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2518 of 2023

Arising Out of PS. Case No.-300 Year-2022 Thana- JOGBANI District- Araria

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SUJIT YADAV SON OF JAGARNATH YADAV R/O VILLAGE- TIKULIYA
BASTI, WARD NO.10, P.S.- JOGBANI, DISTRICT- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
18.09.2022 in connection with Jogbani P.S. Case No.300/2022,
corresponding to Special (NDPS) Case No. 32/2022, F.I.R.
dated 17.09.2022, for the offences punishable under Sections
414 of the IPC & Section 21/22 of the NDPS Act, 1985.

According to prosecution case, 104 tablets of Nitrovet,
Saspaxmo Proxivan of different brands and four mobile phones
have been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that 1070 tablets Nitrovet



and 416 capsules of Spasmoproxiron plus have been recovered from the possession of the petitioner and recovered contraband is less than the commercial quantity, so, there is no embargo of Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the co-accused, namely, Md. Salim @ Salim @ Laskar, who has been granted bail by the Co-ordinate Bench of this Court vide order dated 19.04.2023 passed in Cr. Misc. No. 981/2023 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 18.09.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Araria in connection with Jogbani P.S. Case No. 300/2022, corresponding to Special (N.D.P.S.) Case No.32/2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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