

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4788 of 2023**

Arising Out of PS. Case No.-251 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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KAILASH YADAV @ KAILASH KUMAR Son of Late Podar Yadav @ Late
Poddar Yadav R/v- Pratapur, Ward No. 15, P.S.- Dandari, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 19-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
22.09.2022, in connection with N.D.P.S. Case No. 40 of 2022
arising out of Shahebpur Kamal P.S. Case No. 251 of 2022, F.I.R.
dated 21.09.2022 registered for the offences punishable under
Sections 8, 20, 22 of narcotic Drugs and Psychotropic Substances
Act.

Recovery is of 05 Kg. of *Ganja*.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that it
appears from the F.I.R. as well as seizure list that 05 Kg. of
ganja has been recovered from the possession of the petitioner



and another co-accused persons. He further submits that the recovered contraband is less than the commercial quantity and Section 37 of the N.D.P.S. Act has not come on the way to grant the bail to the petitioner. Further submits that police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 22.09.2022.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the FSL report confirms that the recovered contraband is ganja but fairly submits that the recovered ganja is less than the commercial quantity.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Begusarai, in connection with N.D.P.S. Case No. 40 of 2022 arising out of Sahebpur Kamal P.S. Case No. 251 of 2022, 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 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 witness, 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 antecedents, 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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