

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12729 of 2023

Arising Out of PS. Case No.-194 Year-2022 Thana- TATARPUR District- Bhagalpur

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Bihari Yadav Son Of Chakradhar Yadav R/O Village- Kerhariya, P.S.- Banka,
District- Banka Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, App

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-08-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
17.08.2022 in connection with Tetarpur P.S. Case No. 194 of
2022, N.D.P.S.Case No.95 of 2022, F.I.R. dated 16.08.2022
registered for the offence punishable under Sections 20/22 of
the N.D.P.S.Act.

3. Recovery is of one mobile phone, 25 Gm of Brown
Sugar and Rs. 12,500/- cash from possession of the petitioner.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Further submits that
from bare perusal of the FIR as well as the seizure list that one
mobile phone, 25 Gm of Brown Sugar and Rs. 12,500/- cash has
been recovered from possession of the petitioner. Learned
counsel for the petitioner submits that there is non-compliance



of Sections 42 and 50 of the N.D.P.S. Act and the recovered contraband is less than the commercial quantity so there is no embargo under Section 37 of the NDPS Act to enlarge the petitioner on bail. Further submits that co-accused persons, namely, Rishi Kumar Singh, Saifi Khan @ Md. Saifi Khan @ Shafi Khan @ Md. Shafi Khan, Gorav Kumar @ Gourav Kumar, Abinash Kumar and Ajay Kumar Sah and have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 11.04.2023, 21.04.2023, 03.05.2023 and 16.05.2023 passed in Cr. Misc. Nos. 4374 of 2023, 7804 of 2023, 11212 of 2023, 10085 of 2023 and 13515 of 2023 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 17.08.2022.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the recovered contraband is Brown Sugar but fairly submits that the recovered contraband is less than the commercial quantity.

6. Considering the aforesaid facts, 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 learned Sessions Judge, Bhagalpur in connection with Tetarpur P.S. Case No. 194 of 2022, N.D.P.S.Case No.95 of 2022 with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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