

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13219 of 2023**

Arising Out of PS. Case No.-143 Year-2020 Thana- GWALPARA District- Madhepura

BABAN YADAV S/O Late Nageshwar Yadav R/O Village- Jhajhri, P.S-
Gwalpra, District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

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

3 26-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
04.11.2020 in connection with N.D.P.S. Case No. 19 of 2020
arising out of Gwalpra P.S. Case No. 143 of 2020, F.I.R. dated
03.11.2020 for the offences punishable under Sections 20(c),
22(c) of the N.D.P.S. Act.

Recovery is of total 22 Kg. 800 grams of Ganja from
the house of the petitioner.

Earlier the bail petition of the petitioner was rejected
vide order dated 25.07.2022 passed in Cr. Misc. No. 18650 of
2021.

Learned counsel for the petitioner submits that
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 all together 22 Kg. 800 grams of Ganja has been recovered from the house of the petitioner. He further submits that there is non compliance of Section 42 and 52A of the N.D.P.S. Act. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 04.11.2020.

Vide order dated 15.03.2023 a report was called for with regard to the present stage of trial. Report dated 21.03.2023 of the learned trial court reveals that out of eight charge sheet witnesses three material witnesses including informant have already been examined and presently the case is pending for evidence of rest prosecution witnesses.

Learned counsel for the petitioner further submits that in view of the report of learned trial court that the trial is no concluded in near future and the petitioner is in custody since 04.11.2020.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned Additional District and Sessions Judge-1st, Madhepura in connection with N.D.P.S. Case No. 19 of 2020 arising out of Gwalpra P.S. Case No. 143 of 2020, 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)

mdrashid/-

U		T	
---	--	---	--

