

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22042 of 2023**

Arising Out of PS. Case No.-10 Year-2023 Thana- FULKAHA District- Araria

Sanjay Kumar Yadav S/O Sanch Lal Yadav Resident of Village- Koshikapur,  
Ward No.- 07, P.S.- Fulkaha, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate  
For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      19-05-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks bail in connection with Fulkaha  
P.S. Case No. 10 of 2023 dated 23.01.2023, instituted for the  
offence punishable under Sections 20(b)(II)(B) of the N.D.P.S.  
Act.

3. The allegation against the petitioner is that 6.2 kg  
*Ganja* like substances has been recovered from his house.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and he has been falsely implicated in this  
case. Nothing has been recovered from the petitioner. Learned  
counsel for the petitioner submits that recovery of 6.2 kg *ganja*  
like substances is more than small quantity and below the  
commercial quantity. It is further submitted that the Section 50 of



the N.D.P.S. Act has not been followed by the informants. Learned counsel for the petitioner further submits that in second page of seizure list (production cum seizure list), place of recovery of above said *Ganja* has been mentioned as 'Fulkaha Thana Parisar'. Learned counsel for the petitioner further submits that allegation against the petitioner is suspicious. Lastly, it has been submitted that the petitioner is in custody since 24.01.2023 having one criminal antecedents. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge – cum- Special Judge (NDPS Act), Araria, District- Araria, in Fulkaha P.S. Case No. 10 of 2023, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood



relation, preferably father, mother, brother, sister  
and or his wife.

III. The bailor shall also state on affidavit that he  
will inform the court concerned if the petitioner is  
made accused in any other case of similar nature  
after his release in the present case and thereafter  
the court below will be at liberty to initiate the  
proceeding for cancellation of bail on ground of  
misuse.

IV. 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.

**(Khatim Reza, J)**

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