

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 25583 of 2022**

Arising Out of PS. Case No.-550 Year-2021 Thana- GOPALPUR District- Bhagalpur

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SANJAY KUMAR YADAV S/o Kailash Yadav R/o village- Pyare Yadav Tola,
P.S.- Rangra O.P., District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr Anil Kumar Singh No 1, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

6 11-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, **APP**) appearing for
the State of Bihar.

The petitioner seeks bail in Gopalpur Police Station
(for brevity, **PS**) Case No 550 of 2021 dated 27.11.2021
registered for the offence punishable under Section 414 of
Indian Penal Code and Sections 8/20 (b) (ii) (B) of Narcotic
Drugs and Psychotropic Substances (for brevity, **NDPS**) Act.

There is alleged recovery of 2.40 kilograms of Ganja
in a bag which the petitioner was carrying on a motorcycle.

Learned counsel for the petitioner submits that he has
no concern with the bag and he has falsely been implicated in
this case. The recovered quantity is above small quantity but



much below commercial quantity. The petitioner has remained in custody since 28.11.2021 and has no antecedent. Beyond submission of charge sheet, there is no progress in the trial for the last more than 8 – 9 months.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, quantity of alleged recovery and the lack of any progress in the trial as also clean antecedent, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge X, Bhagalpur in NDPS Case No 76 of 2021 arising out of Gopalpur PS Case No 550 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his



bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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