

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30868 of 2023

Arising Out of PS. Case No.-367 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

Ramakant Yadav @ Guddu Yadav S/o- Chandrama Yadav, resident of
Village- Dahla P.S.- Durgawati Dist- Kaimur at Bhabua

... .. Petitioner

Versus

1. The State of Bihar
2. Satish Kumar Singh not given Sub Inspector of Durgawati Police Station,
Dist- Kaimur

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection
with Durgawati P.S. Case No.367 of 2022 registered for the
offences punishable under Sections 8(c), 21(b) and 22 of the
Narcotic Drugs and Psychotropic Substances Act.

The accused/petitioner is named in the FIR and is
in custody since 09.12.2022.

Allegation against the petitioner is to have in
possession of 11 gm heroine like substances.

It is submitted by learned counsel that petitioner
has been falsely implicated with present case as alleged



recovery not appears from the conscious physical possession of this petitioner. It is submitted that alleged recovered quantity is less than commercial quantity and, as such, implication of section 37 of the NDPS Act not appears to be applicable in present case. Learned counsel further submitted that the compliance of mandatory provision of Section 50 of NDPS Act as regard to search of a person not appears to be followed in present case. While concluding argument, it is submitted that the petitioner is man of clean antecedent and moreover investigation of this case has been completed, for which charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for grant of bail to the petitioner.

In view of above-mentioned facts and circumstances, as compliance of Section 50 of NDPS Act regarding search upon a person appears not to be followed in present case, where recovered quantity is less than commercial quantity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 09.12.2022, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-III, Kaimur at Bhabua in connection with Durgawati P.S. Case No.367 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC .

(Chandra Shekhar Jha, J.)

Sanjeet/-

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

