

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.34078 of 2022

Arising Out of PS. Case No.-2 Year-2016 Thana- ECONOMIC OFFENCES, BIHAR

District- Patna

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BHAGAT YADAV S/o Late Brijan Yadav R/o village- Kalan Matihaniyan,
P.S.- Vishwambharpur, District- Gopalganj, A/p R/o village- Baluwan Sagar,
P.S.- Vishwambharpur, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. The S.P. Economic Offence Unit Bihar, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 03-01-2023 Heard Ld. counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with



Economic Offence P.S. Case No. 02 of 2016, registered for the offences punishable under Sections 8, 20 (b) (ii) (c), 25 and 29 of the N.D.P.S. Act.

As per allegation, 260 Kg. of contraband (ganja) was recovered from a Tata Sumo Gold bearing Registration No. CG12W-3122.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only on claim of the police that at his instance alleged contraband trade was going on, in which co-accused, namely, Santosh Yadav and Swaraj Kumar Shukla have been convicted. He further submits that except this material there is no other evidence on the record and as such case against the petitioner is based only on suspicion. He further submits that the nothing has been recovered from the conscious possession of the petitioner. He also submits that search and seizure has not been made as per the rules as provided under the N.D.P.S. Act. He further submits that the petitioner will co-operate in the trial and the trial will not get hampered in case he is enlarged on bail. He also submits



that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 30.09.2021.

It has also been stated in paragraph no. 3 that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Sessions Judge/Special Judge, Patna, in connection with Economic Offence P.S. Case No. 02 of 2016 on the following conditions:

(i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.



The application stands allowed accordingly.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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