

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36401 of 2023

Arising Out of PS. Case No.-160 Year-2023 Thana- BUDDHACOLONY District- Patna

Devbrat Kumar @ Debrat Yadav, S/O Udaya Shankar Yadav @ Mallu, R/O
Mohalla-Lodhipur Budh Marg, P.S.-Budha Colony, Distt.-Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Nikesh, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Special (N.D.P.S.) Case No. 37 of 2023 arising out of Budha Colony P.S. Case No. 160 of 2023 registered on 11.03.2023 for the alleged offences under Section 8/20(b)(ii)(a) of the N.D.P.S. Act, 1985.

3. As per prosecution case, police received information about petitioner demanding extortion money from his mobile phone and the police started investigating the matter, the petitioner was apprehended and from his possession 55 grams of *ganja* was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The recovery of 55 grams of *ganja* shown from the petitioner is planted and the said quantity is even below the small quantity as notified by the Government. The prayer for bail of the petitioner was rejected by the learned lower court on the ground of his criminal antecedent. But out of two cases one is of the period when the petitioner was juvenile. The petitioner is in custody since 12.03.2023.

5. Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents of serious nature.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the recovery of merely 55 grams of *ganja* from the petitioner and also considering his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge, Patna/concerned court in connection with Special (N.D.P.S.) Case No. 37 of 2023 arising out of Budha Colony P.S. Case No. 160 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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