

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38318 of 2023

Arising Out of PS. Case No.-19 Year-2023 Thana- LAUKAHA District- Madhubani

RAM NARAYAN YADAV @ SHIV LAL YADAV S/O LATE KRISH
YADAV @ KHUSHI LAL YADAV R/O Mohalla- Marik Tole Thadhi, PS.
Thadhi, Dist. Sirha (Nepal)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Miss Kusum Rani, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

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

The petitioner is in judicial custody in connection with Laukaha (Lalmania) P.S. Case No.19/2023 instituted under Section 08/20(b)(ii)(B) of NDPS Act lodged on 23.01.2023 by the informant Bedang Chouba.

As per the FIR, petitioner Ram Narayan Yadav was apprehended red handed by the SSB 18th Battalion at Indo-Nepal border while he was carrying a bag containing some suspicious substance like 'Ganja'. On intense query, petitioner disclosed that aforementioned bag was given by Dukhi Yadav resident of Naraha and he was going to deliver the same to Md. Gulab resident of Dobarbana. Accordingly, the FIR.

The contention of the learned counsel for the



petitioner is that he has been falsely implicated and the 'Ganja' has not been recovered. It has been submitted by the learned counsel for the petitioner that the SSB Jawans deliberately put the said 'Ganja' and showed it as to be recovered/seized item. It is his case that in any case, 7.200 kg. of 'Ganja' has been recovered/seized which comes below the commercial quantity and he has remained in custody since 24.01.2023 (as stated in para-16 of the petition)

Learned APP opposes the prayer for bail stating that there is recovery of 7.200 kg. of 'Ganja' from his possession although he concedes that the same is below the commercial quantity.

Considering the aforesaid facts as also his period of custody and he do not have criminal antecedent the recovery/seizure is below the commercial quantity and ultimately will have to face the trial, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Laukaha (Lalmania) P.S. Case No.19/2023 to the satisfaction of learned Sessions Judge, Madhubani, subject to following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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