

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40149 of 2023

Arising Out of PS. Case No.-413 Year-2022 Thana- JOGBANI District- Araria

Deepak Yadav Son of Late Jogendra Yadav Resident of village - Tikiliya
Basti, Indrangan, ward no. 10, P.S. - Jogbani, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 Heard Mr. Ramesh Kumar Singh learned counsel for
the petitioner and the State.

The petitioner is in custody since 15.03.2023 in connection with Jogbani P.S. Case No. 413 of 2022 for the offence punishable under Sections 21/22 of Narcotics Drugs and Psychotropic Substance Act lodged on 29.12.2022 by the informant, Bhagat Lal Mandal.

The prosecution story, in brief, is that, the the informant got secret information that Deepak Yadav (Petitioner) is selling syrup from his house. Upon this information, the informant and his police team raided the house of Deepak Yadav and saw a man carrying a plastic bag started to flee from house. As he was chased, the man throwing the bag in the courtyard of Deepak Yadav escaped from there. The informant further



informed by the villagers and chowkidar that the man who managed to escape was Deepak Yadav. In search of the bag Dailex DC cough syrup 11 bottles of 100 M.L., 228 tablets of Nitrate - 10, 38 tablets of Aadpam-10 and 96 capsules Spasmo Proxiron were recovered. Accordingly, seizure list has been prepared and the F.I.R.

It has been contended by the learned counsel for the petitioner that so far this petitioner is concerned, the allegation is that someone came out of his house along with bag and upon sight of the police tried to escape and in the process again, threw the bag in the house of the petitioner.

Further, upon opening the bag the different stripes of different tablets as also the cough syrup were recovered/seized

It is his submission that for the act of an accused who subsequently, escaped failure to apprehend him, the police implicated the petitioner in this case only because he has criminal antecedent under his belt.

Learned APP opposes the prayer stating that he was caught at the spot.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also that the similar placed co-accused has since been released on bail, this Court is



inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of like amount each to the satisfaction of learned District and Session Judge cum Special Judge NDPS Act, Araria, in connection with Jogbani P.S. Case No. 413 of 2022 subject to the 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 his 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 his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Ravi/jyoti/-

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