

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40688 of 2023

Arising Out of PS. Case No.-104 Year-2023 Thana- ALOULI District- Khagaria

1. RANVIR YADAV S/O ARJUN YADAV R/O Ladaura, Ward No.15, P.S-Alauli, Distt.- Khagaria.
2. Pawan Yadav S/O Late Rambadan Yadav R/O Ladaura, Ward No.15, P.S-Alauli, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners are accuseds in connection with Special Case No. 14 of 2023 arising out of Alauli P.S. Case No. 104 of 2023 registered for the offences under sections 8, 20, 22 and 25 of the NDPS Act lodged on 12.03.2023 by the informant, Rahul Paswan.

The case of prosecution, in brief, according to informant, Rahul Paswan is that on 12.03.2023 at about 9.49 o'clock, he got secret information from his S.H.O that accused Ranjit Yadav was selling '*Ganja*' from his house. On the basis of the aforesaid information, informant along with other police



personnel went at the house of Ranjeet Yadav at about 10:25 o'clock and arrested three persons who on interrogation disclosed their names as Ranjeet Yadav, Ranvir Yadav and Pawan Yadav.

Thereafter, notice u/s-50(1) of N.D.P.S. Act was served to owner of the house of Ranjeet Yadav for search of his house and thereafter, they searched the house of Ranjeet Yadav from where bundle of '*Ganja*' like substance was recovered from a sack.

On interrogation about the recovered article, Ranjeet Yadav disclosed that the substance is '*Ganja*' and was delivered to him by the other two persons namely Ranvir Yadav and Pawan Yadav who were also present there. Further accused persons were unable to adduce any valid documents regarding the said recovered '*Ganja*'. Later on, total 13 Kg 200 grams '*Ganja*' was seized and seizure list was prepared. Accordingly, the FIR.

Learned Counsel for the petitioner submits that alleged recovery/seizure of 13 kg 200 gm '*ganja*' is from Ranjeet Yadav and they although have been apprehended alongwith Ranjeet Yadav have no role to play in the matter and further have clean antecedent.



Learned APP for the State, on the other hand, opposes the prayer for bail but concedes that recovery/seizure is from Ranjeet Yadav.

Considering the said submission as also the period of custody (13.03.2023) as also that they do not have criminal antecedent, this Court is inclined to extend them privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge Vth-cum-Spl. Judge, NDPS, Khagaria in connection with Special Case No. 14 of 2023 arising out of Alauli P.S. Case No. 104 of 2023, subject to the following conditions:-

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

(ii) the petitioners 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 their Trial court itself;

(iii) the petitioners shall appear before the concerned



police station every month for next one year to mark attendance;

(iv) the petitioners 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 their bail bonds;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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