

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41347 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- ADHAOURA District- Kaimur (Bhabua)

BINOD YADAV Son of Ramdihal Yadav Resident of Village - Dighar, P.s.-
Adhaura, Distt.- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Opposite Party/s : Mr. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 16-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Adhaura P.S. Case No. 15 of 2022, registered for the
offences punishable under Sections 8(c), 20(b)(ii)(c), 22 and
27(A) of the NDPS Act.

As per allegation, 31 kg *ganja* was recovered from
a motorcycle.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that the petitioner is just a passer-
by and person who was carrying the alleged contraband on



motorcycle fled away and the petitioner was arrested by the Police without any rhyme and reason. He also submits that as per the FIR nowhere it is stated how many people were on the motorcycle and by going by the content of the FIR it is clear that in the process of stopping the motorcycle a sack of contraband got dropped and the motorcyclist ran away and the present petitioner who was just a passerby was arrested. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that the person who fled away with his motorcycle has already been enlarged on anticipatory bail vide order dated 04.01.2023 passed in Cr. Misc. No. 47699 of 2022.

He further submits that the petitioner has been languishing in jail since 28.03.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier



either for anticipatory bail or regular one.

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

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged 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 Ld. Sessions Judge cum Special Judge, Kaimur at Bhabua in connection with Adhaura P.S. Case No. 15 of 2022, 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 criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents 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, Ld. court below shall cancel the bail bond of the petitioner.

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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