

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45502 of 2023

Arising Out of PS. Case No.-587 Year-2019 Thana- BARACHATTI District- Gaya

Vijay Yadav Son Of Dawarika Yadav Resident Of Village- Baijnathpur, Ps-
Mohanpur, (Barachatti), Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 8, 15, 17, 18, 20 and 25 of the NDPS Act.

Prosecution case relates to recovery of total 48 Kg Doda powder kept in a plastic bags from the poultry farm of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case. Neither the petitioner was arrested on the spot nor any incriminating article has been recovered from his conscious possession. The said place of seizure does not belong to the petitioner actually the



said place is the land of Government forest which is never allotted to anyone for carrying on personal business. The alleged recovery of Doda Powder does not come within the purview of commercial quantity. The Section 50 of N.D.P.S. Act has not been followed in this case. The petitioner has surrendered on 21.04.2023 and since then he is languishing in judicial custody.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Barachatti (Mohanpur) P.S. Case No.587 of 2019 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS Act, Gaya.

(Sunil Kumar Panwar, J)

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