

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49652 of 2023

Arising Out of PS. Case No.-148 Year-2019 Thana- BARACHATTI District- Gaya

VIJAY YADAV SON OF SAHDEO YADAV RESIDENT OF VILLAGE-
JAIGIR, POLICE STATION- BARACHATTI, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Barachatti P.S. Case No. 148 of 2019 registered under Sections 20 and 22 of the NDPS Act lodged on 26.03.2019 by the informant, Raj Kumar Sha.

As per the prosecution story, the police reached the house of Barhan Yadav who tried to escape but was apprehended and 682 gram of ‘Cocaine’ was recovered/seized. Thereafter, the house of the Vijay Yadav was raided, he managed to escape but 1.270 of ‘Cocaine’ was recovered/seized. This followed the FIR.

It is the case of the petitioner that it has been recovered from a joint house but he was not present there. In



any case, it is below the commercial quantity of 2.5 Kg.

Learned APP for the State opposes the prayer for bail but submits that 24 gram to 2.5 Kg. is below the commercial quantity.

Taking into the account the aforesaid submissions put forward by the learned counsel for the petitioner, has remained in custody since 04.05.2023 (as stated in paragraph 11 of the petition) and do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Gaya cum Special Judge, NDPS Act in connection with Barachatti P.S. Case No. 148 of 2019 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/her *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/her 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 his 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)

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