

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51982 of 2023

Arising Out of PS. Case No.-50 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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RUPLAL YADAV SON OF LATE UGAR YADAV @ LATE DAGAR
YADAV RESIDENT OF VILLAGE -HASANPUR, PS -HISUA, DIST
-NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Spl. (NDPS) Case No.9/2020 instituted under Section 20(a) and 22 of the NDPS Act.

As per the prosecution story, the allegation is that the police had gone for raid of illicit liquor and while returning saw Ganja plants on the field of accused persons. Accordingly, the were seized followed by the FIR.

Learned counsel for the petitioner submits that from the field of Mahendra Yadav, 15 Kg. 'Ganja' was recovered/seized, from Govind Yadav, another 15 Kg. 'Ganja' was recovered/seized while from this petitioner, Ruplal Yadav only 5 Kg 'Ganja' was recovered/seized. Further, it is below commercial quantity and he do not have criminal antecedent.



Learned APP on the other hand submits that though the recovery/seizure is 5 Kg., they were growing 'Ganja' plants in the agriculture field.

Considering the fact that the alleged recovery/seizure is 5 Kg. from the petitioner concerned, he is custody since 07.06.2023 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 bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with Spl. (NDPS) Case No.9/2020 to the satisfaction of learned Additional District & Sessions Judge, Ist, Nawada, subject to 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 fortnight for next six months 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 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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