

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50041 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- BARABAR TOURIST District-
Jehanabad

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Lakshmandhari Yadav @ Sanjit Kumar Son of Jamindar Yadav Resident of
Village - Dharaut , P.s.- Barabar , Paryatak Vishunganj OP, Distt.- Jehanabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vaidehi Raman Prasad Singh, Adv.
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks' from today.

Heard Mr. Vaidehi Raman Prasad Singh, learned
counsel appearing on behalf of the petitioner and Mr.
Akhileshwar Dayal, learned Additional Public Prosecutor for the
State.

The petitioner seeks regular bail, who is in custody
in connection with N.D.P.S. Case No. 15 of 2021 giving rise to
Barabar Paryatan (Vishunganj O.P.) P.S. Case No. 105 of 2021
registered for the offence punishable under Sections 8(b) and
20(a)(i) of the N.D.P.S. Act.

As per the prosecution case, it has been alleged that
the police on receipt of the information that some villagers are



engaged in cultivating cannabis plants and, in course of search, they found that plants were sown in several courtyards of the house of many persons. Some plants were also found in the courtyard of the petitioner, accordingly, seizure list was prepared and he was taken into custody.

Learned counsel appearing on behalf of the petitioner submits that from the seizure list, it would manifest that four cannabis plants were allegedly seized from the courtyard of the petitioner, however, the house, in question, is joint family house, where several persons reside and the petitioner cannot be held accountable solely for the same. He further submits that there is no compliance of Section 50 of the NDPS Act, apart from other irregularities in the search and seizure. He next submits that under the similar circumstance, several persons from whose land/courtyards cannabis plants were found, they have been enlarged on bail by different Benches of this Court, the hard copies of which have been submitted before this Court and the same has been taken on record. He lastly submits that the petitioner having fair antecedent is in custody since 07.06.2022.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and



the fact that other co-accused persons having identical allegation are enjoying the privilege of bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Jehanabd in connection with N.D.P.S. Case No. 15 of 2021 giving rise to Barabar Paryatan (Vishunganj O.P.) P.S. Case No. 105 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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