

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57846 of 2023

Arising Out of PS. Case No.-142 Year-2023 Thana- NARPATGANJ District- Araria

RAMDEV YADAV S/O LATE SUBHAKLAL YADAV R/O VILLAGE-
BELA (YADAV TOLA), WARD NO. 08, P.S- NARPATGANJ
(BASMATIYA), DISTT.- ARARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Ravish, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2023 Heard Mr. Kumar Ravish, learned Counsel for the

petitioner and Mr. Mrityunjaya Kumar Gautam, learned APP for

the State.

2. The petitioner is an accused in connection with
Narpatganj (Basmatiya) P.S. Case No. 142 of 2023 registered
for the offences under sections 21(c), 22 and 23 of the N.D.P.S.
Act lodged on 24.03.2023 by the informant, Bharat Mal Meena.

3. As per the prosecution story, the allegation is that
the SSB officials raided the house of the petitioner and
recovered/seized 45 bottles of Dialex Cough Syrup containing
100ml each, 41 strips (24 capsules each) Spasmo Proxyvon i.e.
984 capsules of 50mg each, 20 strips of tablet Nitravet (600
tablets weighing a total of 6 grams) and 550 gm of 'ganja'.



Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that the cough syrup, pain killers etc. are kept in the house of everyone, in this case, however, he concedes it is more than what one generally kept.

5. So far as the '*ganja*' is concerned, 550 gms has been recovered which is below the commercial quantity. It is his further submission that in any case the recovery is from a joint house and not from the conscious possession of the petitioner, he is an aged man of 60 years and do not have criminal antecedent.

6. Learned APP for the State, on the other hand, opposes the prayer for bail stating that beside '*ganja*', huge quantity of drug materials recovered which include the Spasmo Proxyvon which contain Tramadol and of the seized 1000 capsules, the content of Tramadol is 55.65 gms.

7. To this, learned Counsel for the petitioner submits that even in the case of Tramadol, the commercial quantity is 250 gms and the same is below it.

8. Considering the submissions put forward by the parties, the documents on record, the recovery is from a joint house not from his conscious possession, he is an aged person,



do not have criminal antecedent, the content of Tramadol is below the commercial quantity and is in custody since 24.03.2023 (as stated in paragraph 13 of the bail application), this Court is inclined to extend him privilege of bail.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Sessions cum Special Judge, NDPS Act, Araria in connection with Narpatganj (Basmatiya) P.S. Case No. 142 of 2023, 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 *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 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.

10. With the aforesaid observations, the bail
application is allowed.

(Rajiv Roy, J)

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