

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54518 of 2022

Arising Out of PS. Case No.-152 Year-2021 Thana- RAIL JHAJHA District- Jamui

RAHUL YADAV @ RAHUL KUMAR YADAV S/O LALJI YADAV Resident
of Village- Rupahi Tand Khaira Tola, P.S.- Bhitaha, District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-01-2023 Heard Mr. Subhash Kumar Jha, learned counsel for

the petitioner and Mr. Jitendra Kumar Singh, learned APP for

the State.

The petitioner apprehends his arrest in connection
with Rail Jhajha P.S. Case No. 152 of 2021 corresponding to
G.R. No. 3668 of 2021 instituted under Sections 8.20(b)(ii)(c)
of NDPS Act.

As per the prosecution story, the informant in course
of patrolling, got secret information raided AC-II Tier of South
Bihar Express and accordingly intercepted Vijay Chauhan and
Ranjan Kumar Gond. From trolley bags, altogether 25.6 kg.
'ganja' were recovered from possession of Vijay Chauhan and
5.04 kg. from Ranjan Kumar Gond. It has further been alleged



in the FIR that when they were inquired, they alleged that this petitioner had stated to bring the 'ganja' and he will sell it. Accordingly, his name came in the FIR.

Learned counsel for the petitioner submits that he is a young boy, only used to play cricket with the aforesaid accused persons, had nothing to do with the seized items, is actually preparing for competitive exams and only to ruin his career, he has been named by the aforesaid two accuseds. He further submits that if the petitioner is granted bail, he is ready to abide by all the terms and conditions.

Learned APP on the other hand submits that there is huge quantity of recovery of 'ganja' and the accused persons have named in the FIR and opposes the prayer of bail.

Taking into account the fact that actual recovery is from Ranjan Kumar Gond and Vijay Chauhan and the name of the petitioner has only come in the confessional statement, he do not have criminal antecedent, is only 22 years of age and can mend his way for a bright future and as submitted by learned counsel for the petitioner, he is preparing for competitive exams, this Court does not find it fit to send him behind the bars and accordingly would like to extend the privilege of anticipatory bail.



If however, it is found that he does have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Rail Jhajha P.S. Case No. 152 of 2021 corresponding to G.R. No. 3668 of 2021 to the satisfaction of learned Sessions Judge, Jamui, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with the following conditions :

(i) the petitioner shall be visiting the concerned police station for next one year every month .

(ii) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Prakash Narayan
/Ajay Singh/-

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