

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56006 of 2023

Arising Out of PS. Case No.-146 Year-2023 Thana- MURLIGANJ District- Madhepura

1. Chotelal Yadav @ Chhotelal Yadav Son Of Late Asarfi Yadav Resident Of Rajni Goth, Ward No 12, Madhepura, Ps- Murliganj, District- Madhepura
2. Anjani Devi Wife Of Chotelal Yadav @ Chhotelal Yadav Resident Of Rajni Goth, Ward No 12, Madhepura, Ps- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Shama Sinha, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Murliganj P.S. Case No. 146 of 2023 for the offence punishable under Sections 20/21/22 of N.D.P.S. Act lodged on 15.4.2023 by the informant, Ravish Ranjan.

As per the prosecution story, the police conducted raid in the house of accused-petitioner, Chotelal Yadav and in the 'lungi' worn by him, 8.80 mg smack like substance was recovered/seized. Both the husband, Chotelal Yadav as well as wife Anjani Devi (petitioner no.2) were arrested and FIR lodged.

It is the case of the petitioners that the police only to



implicate them have made a false narration, the recovery is much below the commercial quantity and the couple despite having no criminal antecedents are in custody since 16.4.2023 (para-1 of the petition).

Learned APP opposes the prayer but concedes that the recovered substance is less than the small quantity.

Considering the aforesaid submission put forward by the parties, the recovery of the alleged quantity, they are in custody since 16.4.2023, as stated above, both of them do not have criminal antecedent and the petitioner no.2 is a lady, this Court is inclined to extend them the privilege of bail with conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge-1st cum Special Judge, Madhepura, in connection with Murliganj P.S. Case No. 146 of 2023 subject to the following conditions:

- (i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;
- (ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners 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;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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