

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55998 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- NTPC KHAIRA District- Aurangabad

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Vinay Kumar Yadav, Son of Trivani Singh Resident of Village - Khaira, P.S. -
N.T.P.C. Khaira, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
NTPC Khaira P.S. Case No.70/2023, lodged on 18.07.2023
under Sections 279/337/338 of the Indian Penal Code and
Sections 8 (c)/20)b) ii (A) 25 of the Narcotic Drugs And
Psychotropic Substances Act, 1985.

3. As per the prosecution, the recovery of 200 gram
ganja has been made from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He further
submits that the antecedent of the petitioner is clean and he is in
custody since 19.07.2023. In fact, no recovery has been made
from the possession of the petitioner and even if it is assumed



then the alleged recovery of ganja is small quantity as per Schedule of the Narcotic Drugs And Psychotropic Substances Act, 1985.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the said recovery is below the commercial quantity and comes within the category of small quantity.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge, Aurangabad, in connection with NTPC Khaira P.S. Case No.70/2023, 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

(Dr. Anshuman, J)

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