

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58380 of 2023

Arising Out of PS. Case No.-155 Year-2023 Thana- KHARIK District- Bhagalpur

Kampni Yadav S/O Late Srimant Yadav @ Sriman Yadav R/O Village-
Bagari, Ps. Kharik, Dist. Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
08.07.2023 in connection with Kharik P.S. Case No. 155 of
2023, F.I.R. dated 08.07.2023 for the offences punishable under
Sections 20 and 22 of the N.D.P.S. Act.

3. According to prosecution case, recovery of 1kg
and 150gm of Ganja has been made.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from the
bare perusal of the F.I.R. and seizure list it appears that 1kg and
150gm of Ganja has been recovered from the towel of the
petitioner. He further submits that in fact nothing has been



recovered from the conscious possession of the petitioner rather there is substantial recovery and soon the recover has been made from the possession of the petitioner. He further submits that there is non-compliance of Section 42 and 50 of the N.D.P.S. Act and the recovered contraband Ganja is less than the commercial quantity. So, there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. The petitioner is in custody since 08.07.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitione.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge – Ist, Bhagalpur, in connection with Kharik P.S. Case No. 155 of 2023, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Aditi

U		T	
---	--	---	--

