

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58349 of 2023

Arising Out of PS. Case No.-158 Year-2023 Thana- JAYNAGAR District- Madhubani

SOMAN KUMAR YADAV S/O SUKHDEV YADAV R/O VILLAGE-
NARHA, PS. BALBA, DIST. SIRHA (NEPAL)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Adv. Mr. Ravi Prakash, Adv.
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Jaynagar
P.S. Case No. 158 of 2023 dated 15.04.2023 registered for the
offence under Sections 08, 21 and 22 of the N.D.P.S. Act.

According to prosecution, a plastic bag containing 35
gram of brown sugar along with Rs. 7850 Indian note and Rs.
12,700/- Nepali note have been recovered from the possession of
the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
on bare perusal of the F.I.R. and the seizure list, it appears that a
plastic bag containing 35 gram of brown sugar along with Rs.



7850 Indian note and Rs. 12,700/- Nepali note have been recovered from the possession of the petitioner. He further submits that there is non-compliance of Section 50 of the N.D.P.S. Act. He further submits that the alleged recovery of contraband from the possession of the petitioner does not fall under the purview of commercial quantity, hence, Section 37 of the N.D.P.S. Act does not come into play in this case. Moreover, co-accused, Babar Ali @ Md. Babar Ali @ Babar Alli and Naim @ Naim Sekh @ Md. Naim have already been granted bail by a co-ordinate Bench of this Court vide order dated 09.08.2023 and 08.08.2023 passed in Cr. Misc. No. 50155 of 2023 and Cr. Misc. No. 49684 of 2023, respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 16.04.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Sessions Judge, Madhubani in connection with Jaynagar P.S. Case No. 158 of 2023 with the following conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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)

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