

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57929 of 2022

Arising Out of PS. Case No.-467 Year-2019 Thana- RAHUI District- Nalanda

BHUSHAN YADAV SON OF MAHENDRA YADAV R/O0 VILLAGE-
JAGATNANDANPUR, P.S.- RAHUI, DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Prasad,Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Rahui P.S. Case No. 467 of 2019 for the offence registered under Sections 8(b), 20(a)(i) of N.D.P.S. Act.

As per the prosecution story, the police upon information of the presence of illegal wine in the village Jagatnandanpur under Rahui Police Station visited the said place where they found two plants of '*ganja*' weighing 3 kg at the door of the house of the present petitioner. The further allegation is of having found the '*ganja*' plants at the under construction house of Bhonu Yadav as also from under construction house of Sunil Yadav. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that from



the FIR itself, it shows that it has been recovered outside the house of the present petitioner, he is the poor man working as a labour in Delhi and had nothing to do with it and has been falsely implicated.

Learned APP for the State, on the other hand, opposes the prayer for submitting that recovery/seizure is 3kg '*ganja*' which although is below commercial quantity is above the small quantity.

Considering the fact that the recovery is outside the house of the present petitioner, as per the averment made he is a labour working outside, do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail with conditions.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Cum Sessions Judge, Nalanda at Bihar Sharif in connection with Rahui P.S. Case No. 467 of 2019 subject to condition as laid down under Section 438(2) of the Cr.P.C with further 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 bond by the Trial court itself;

(iii) the petitioner shall leave his district (Nalanda) for a period of three month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station concerned (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(vi) the petitioner 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;



(vii) 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.

(viii) the petitioner shall co-operate in the investigation and made himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

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