

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63141 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- CHAUSA District- Madhepura

SHANKAR YADAV SON OF SURESH YADAV R/O VILLAGE- FULAUT,
WARD NO.2, P.S.- CHAUSA (FULAUT O.P.), DISTRICT- MADHEPURA
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.D. Sanjay, Sr. Adv. Mr. Praveen Kumar Agrawal, Adv.
For the Opposite Party/s	:	Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2023 Heard Mr. S.D. Sanjay, learned Senior counsel for
the petitioner and learned Additional Public Prosecutor for the
State.

Petitioner seeks bail, who is in custody since
27.07.2022, in connection with Chausa (Fulaut O.P) P.S. Case
No. 161/2022, F.I.R. dated 26.07.2022, for the offences
punishable under Sections 20, 22, 23 & 24 of NDPS Act.

According to prosecution case, total 9 Kg of ganja is
said to have been recovered from the possession of the
petitioner.

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 it appears
from the F.I.R. and seizure list that 9 kg of ganja has been



recovered from the possession of the petitioner. Learned counsel for the petitioner submits that there is non-compliance of Section 42 and 50 of the N.D.P.S. Act and the police has submitted charge sheet without F.S.L. report on 16.10.2022 and the recovered contraband is less than the commercial quantity, so, there is no embargo of Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. The petitioner is in custody since 27.07.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. report dated 12.12.2022 confirms that the recovered contraband is ganja but fairly submits that the recovered contraband is less than the commercial quantity.

Considering the aforesaid facts that the recovered contraband is less than the commercial quantity and charge sheet has been submitted without the F.S.L. report, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS Act, Madhepura, in connection with Chausa (Fulaut O.P) P.S. Case No. 161/2022,



subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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