

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66728 of 2022

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

SUNIL YADAV Son of Rajendra Yadav @ Rajendra Prasad R/o Village -
Jagnandanpur, P.S.- Rahui, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Singh, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-03-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Rahui P.S. Case No.467 of 2019 registered for the offences punishable under Sections 8(b)/20(a)(i) of the NDPS Act.

As per the prosecution, the police personnel on secret information raided the petitioner's alleged house and recovered seven plants suspected to be Ganja weighing 4 kg.

The main submissions advanced by the learned counsel for the petitioner are that as per the allegation total seven Ganja plants were alleged to have been found in three rooms of the petitioner's house but the said plants do not come



within the definition of narcotic material under the NDPS Act as in the seizure memo, there is no detail as to the said plants having flowering top and the FIR shows that simple plants of Ganja were found from three rooms of the petitioner's house and the said rooms have no roof. Further submission is that the petitioner has fair and clean antecedent and has been languishing in jail since 18.08.2022 and one co-accused namely Bhonu Yadav who is carrying similar nature of allegation has been granted bail by a Co-ordinate Bench of this Court vide order passed in Cr. Misc. No.61409 of 2022 and the petitioner has been chargesheeted.

Learned APP appearing for the State has opposed the bail prayer.

In view of the facts, as stated above, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the 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 the concerned Court in connection with Rahui P.S. Case No.467 of 2019.

(Shailendra Singh, J)

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