

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67954 of 2022**

Arising Out of PS. Case No.-59 Year-2019 Thana- SHERGHATI District- Gaya

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Ashok Yadav @ Ashok Kumar Son Of Rambriksh Yadav R/O Village-
Morainiya, P.S.- Amas, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union Of India Through Norcotic Commissioner, New Delhi New
Delhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Adv
For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner apprehend his arrest in connection
with Sherghati P.S. Case No. 59 of 2019 for the offence
registered under sections 25(1-b) a, 26 and 35 of the Arms Act
and section 20 and 22 of the N.D.P.S Act.,

As per the prosecution story, the police saw two
motorcycles coming and upon interception tried to escape but
were apprehended the accused persons gave their as Dhanuk



Yadav @ Dhiru and Sujeet Kumar @ Golu as from Dhanuk Yadav 14 kg Ganja, mobile set as also country made revolver and six cartridges were recovered/ seized. So far as Sujeet Kumar is concerned, one country made revolver and live cartridge besides mobile phone were recovered. They disclosed the name of these petitioner as accomplice. Accordingly, FIR has been lodged.

Learned counsel for the petitioner submits that he has nothing to do with the alleged recovery and with Dhanuk Yadav or Sujeet Kumar and due to enmity, he was dragged in this case. In fact, he is working in Surat in Gujrat and have nothing to do with the present occurrence.

Learned APP opposes the prayer for bail of the petitioner.

Considering the fact that the recovery/ seizure is from Sujeet Kumar and Dhanuk Yadav and nothing has been recovered from his conscious possession and is a young man, this court is inclined to extend him privilege of anticipatory bail with conditions.

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/-



(Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sessions Judge cum Special Judge, N.D.P.S Act, Gaya in connection with Sherghati P.S. Case No. 59 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show their bona fide;

(ii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iii) 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 their bail bond by the Trial Court itself;

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

(v) 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.

(vi) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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