

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5069 of 2023

Arising Out of PS. Case No.-120 Year-2022 Thana- JADOPUR District- Gopalganj

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BYAS YADAV @ VYAS YADAV @ BAYAS YADAV S/O MUKTI YADAV
Resident of village- Kabilaswa, P.S.- Gopalpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Tr. No. 50
of 2022 arising out of Yadopur P.S. Case No. 120 of 2022
registered for the offence under Sections 8(c), 21(c), 22(c) of the
N.D.P.S. Act.

Recovery is of 14.400 Kg. of Ganja.

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 it
appears from the F.I.R. that altogether 14.400 Kg. is said to have
been recovered from the possession of the petitioner. He further
submits that there is non compliance of Sections 42, 52A, 55 and
57 of the Act. He further submits that the police submitted



charge-sheet in this case against the petitioner without obtaining FSL report with respect to the seized contraband. He further contends that the quantum of recovery is less than the small quantity prescribed under the N.D.P.S. Act therefore, there is no embargo to grant bail to the petitioner. The petitioner is rotting in judicial custody since 12.07.2022.

Learned A.P.P. for the State has 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 Additional District and Sessions Judge-1st -cum- Special Judge, NDPS, Gopalganj in connection with Yadopur P.S. Case No. 120 of 2022 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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