

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80567 of 2023

Arising Out of PS. Case No.-74 Year-2023 Thana- KHUTAUNA District- Madhubani

1. Ram Udgar Yadav Son of Late Sumarit Lal Yadav @ Sumarit Yadav
Resident of Village - Basuari, P.S. - Ghoghardiha, District - Madhubani
2. Heera Lal Mandal Son of Ramchandra Mandal Resident of Village -
Basuari, P.S. - Ghoghardiha, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kusum Rani, Adv.

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with G.R.
No. 41 of 2023 (CIS No. 26 of 2023) arising out of Khutauna
P.S. Case No. 74 of 2023 instituted for the offences under
Sections 18(C), 22, 23 of the N.D.P.S. Act.

3. The prosecution case, in short, is that the police
during evening Gashti and raid, reached at the place of
occurrence and saw that two persons were coming on a
motorcycle and in between them there were two bags. On seeing
the police, they tried to escape from there but, they were caught
by the police. On query, they told their names as Ram Udgar



Yadav (present petitioner) and Hira Lal Mandal. The bags on the motorcycle were searched and altogether 15.840 Kgs. Ganja like substance were recovered.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case merely on the basis of suspicion. He submits that the petitioners have no criminal antecedent. The quantity of Ganja recovered is less than the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioners have no concern with the seized articles such as Ganja and the motorcycle. There is no specific allegation of carrying Ganja against the petitioners. Learned counsel for the petitioners submits that charge-sheet has been submitted and the cognizance has also been taken for the offence under Section 18(i)/22/23 of the N.D.P.S. Act. There is no compliance of Section 42 and 50 of the N.D.P.S. Act.

5. The petitioners are in custody since 11.06.2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case as also taking into account the period of custody, let the petitioners, abovenamed, be released on bail on furnishing bail



bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with G.R. No. 41 of 2023 (CIS No. 26 of 2023) arising out of Khutauna P.S. Case No. 74 of 2023, subject to following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioners.

(ii) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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