

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.641 of 2023

Arising Out of PS. Case No.-63 Year-2022 Thana- CHAUSA District- Madhepura

SHIVAN YADAV Son of Late Laghu Prasad Yadav R/v- Shrirampur, P.S.-
Nathnagar, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
01.04.2022, in connection with N.D.P.S. Case No. 20 of 2022,
arising out of Chausa P.S. Case No. 63 of 2022, F.I.R. dated
01.04.2022 registered for the offences punishable under
Sections 20, 22, 23, 24 of the N.D.P.S. Act.

The case relates to recovery of 4.100 Kg. of *Ganja*.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that from
perusal of the F.I.R. as well as seizure list that *altogether 4.100*
Kg. of *Ganja* has been recovered from the possession of the
petitioner. Learned counsel for the petitioner further submits



that it appears from the F.I.R. itself that other co-accused persons were also arrested and from their possessions also more or less Ganja were recovered from their possessions. He further submits that co-accused person who was arrested along with the petitioner has been granted bail by a Coordinate Bench of this court vide order dated 02.11.2022 passed in Cr. Misc. No. 31075 of 2022, another co-accused person namely Baleshwar Malakar has been granted bail by a Coordinate Bench of this Court vide order dated 09.11.2022 passed in Cr. Misc. No. 38189 of 2022, another co-accused person namely Vikash Singh @ Bikash Singh has been granted bail by a Coordinate Bench of this Court vide order dated 09.11.2022 passed in Cr. Misc. No. 32305 of 2022 respectively and the case of the petitioner stands more or less of similar footing and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 01.04.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that FSL report confirms that the recovered contraband is Ganja but fairly submits that the recovered contraband has been recovered from the possession of the petitioner is less than the commercial quantity and hence there is no embargo under



Section 37 of the ND.P.S. Act for grant of bail to the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III-cum-Special Judge, N.D.P.S. Madhepura, in connection with N.D.P.S. Case No. 20 of 2022 arising out of Chousa P.S. Case No. 63 of 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 witness, 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 antecedents, 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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