

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80903 of 2023

Arising Out of PS. Case No.-810 Year-2022 Thana- BARACHATTI District- Gaya

Ram Khelawan Yadav S/O Sahdeo Yadav @ Sahadev Yadav R/O Village-
Nimiyatand, Kahudag, P.S- Barachatti, Distt.- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

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

ORAL ORDER

2 21-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Barachatti P.S. case No.
810 of 2022 instituted for the offences under Sections 18, 20
and 22 of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that on secret
information, police reached the place of occurrence and found
few persons creating nuisance in drunken condition. On seeing
the police, the accused persons fled away and in course of
search, two bag of 10-10 kg filled with doda (poppy straw) was
recovered from the bike parked there.

4. It has been submitted on behalf of the petitioner that
the petitioner is in custody since 22.08.2023 and has got no



criminal antecedent. The petitioner has falsely been implicated in the present case. The name of the petitioner has transpired in this case as being owner of the motorcycle in question. It is alleged that 20 kg poppy stray (Doda) has been recovered in this case. The same is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barachatti P.S. case No. 810 of 2022 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner 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 petitioner.

(Rudra Prakash Mishra, J)

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