

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12137 of 2024

Arising Out of PS. Case No.-49 Year-2023 Thana- LADANIA District- Madhubani

Satrugshan Kumar Yadav Son of Rajeshwar Yadav Resident of Village-
Donwari, Police Station- Ladaniya, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Mishra, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

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

ORAL ORDER

2 28-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with G.R.
No. 13 of 2023 arising out of Ladaniya P.S. case No. 49 of 2023
instituted for the offences under Sections 20/22 of the N.D.P.S.
Act.

3. Prosecution case, in short, is that total 10.5 kg *ganja*
has been recovered in this case from a motorcycle.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Petitioner is in
custody since 01.12.2023 and has no criminal antecedent. There
is no allegation of tampering of witnesses alleged against the



petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the motorcycle from which the recovery has been made. Learned counsel further submitted that nothing has been recovered from the motorcycle of the petitioner. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 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, clean antecedent as also 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, **after framing of charge, if not already framed** 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 Ladaniya P.S. case No. 49 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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