

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24828 of 2024

Arising Out of PS. Case No.-854 Year-2023 Thana- RAMKRISHNANAGAR District- Patna

Niranjan Yadav Son of Late Chhatu Prasad @ Chhathu Prasad Resident of
Nandlal Chapra, P.S.- Ramkrishna Nagar, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP

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

ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Ramkrishna Nagar P.S.
Case No. 854 of 2023, instituted for the offences punishable
under Sections 8, 20(b)(ii)(B), 25 and 29 of the N.D.P.S. Act.

3. The prosecution case, in short, is that, 8.800 kg
ganja was recovered from the house of the petitioner and the
petitioner was apprehended on spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No
incriminating material has been recovered from the conscious



possession of the petitioner. It is further submitted that the alleged recovery has been made from the joint house of the petitioner where other family members also reside. The petitioner is in custody since 16.12.2023 and has got two criminal antecedents in which the petitioner is on bail. The alleged recovery is less than the prescribed limit of commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in this case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act.

5. Learned APP 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 taking into account 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ramkrishna Nagar P.S. Case No. 854 of 2023, 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.

(III) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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