

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30380 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- INDUSTRIAL District- Bhagalpur

Subash Yadav @ Subhash Yadav Son of Sita Ram Yadav Resident of Village -
Jamuniya Tola, P.S.- N.T.P.C., District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

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

ORAL ORDER

2 23-04-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Industrial Area P.S. Case No. 24 of 2024 instituted for the

offences under Sections 20(b) (ii) (c), 22 of the N.D.P.S.

Act.

3. As per prosecution case, the police has recovered

total 100 gram brown sugar and mobile phone from the

possession of the petitioner.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has committed no offence as

alleged against him and has falsely been implicated in the



present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized contraband. The quantity of alleged seized brown sugar is less than 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 Section 42 and 50 of the N.D.P.S. Act. The petitioner has no criminal antecedent and is languishing in judicial custody since 02.02.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Industrial Area P.S. Case No. 24 of 2024, 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 tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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