

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35933 of 2024

Arising Out of PS. Case No.-1059 Year-2023 Thana- BARACHATTI District- Gaya

Kuldeep Yadav son of Prayag Yadav @ Pragas Yadav Resident of Village-
Kevaliya, PS- Barachatti Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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

ORAL ORDER

4 09-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Barachatty P.S. Case No. 1059/2023 registered for the
offences punishable under Sections 17, 18, 20, 22 of the NDPS
Act.

3. Prosecution case in short is that on secret
information police party raided two hotels, including the hotel
of the petitioner namely, Karandip Singh Punjabi Dhaba,
wherein 26 Kg *Doda* and 500 gram *afim* like substance has been
recovered.

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. Learned counsel for the petitioner submits that petitioner has no concern with the alleged recovered contraband substance. It is submitted that the hotel in question is run by the staff of the petitioner, and as such, petitioner was unaware of the illicit contraband kept in his hotel. Petitioner's name transpired by local villagers, who has inimical terms with him. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. Petitioner claims clean antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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. Considering the rival submissions made by the learned counsel for the parties, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Barachatty P.S. Case No. 1059/2023, subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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