

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46451 of 2024

Arising Out of PS. Case No.-227 Year-2024 Thana- FORBESGANJ District- Araria

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1. Suraj Kumar S/O Late Kapil Yadav R/O Village- Samol Ward No 14, P.S.- Forbesganj, District- Araria
 2. Arun Yadav @ Arjun Yadav Late Kunay Yadav R/O Village- Samol Ward No 14, P.S.- Forbesganj, District- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard Mr. Krishna Singh, learned Senior Advocate

 appearing on behalf of the petitioners and Dr. Mrityunjaya

 Kumar Gautam, learned APP for the State.

2. The petitioners seek regular bail, who are in custody in connection with Forbesganj P.S. Case No. 227 of 2024 registered for the offences punishable under Sections 8, 20(b)(ii)(B) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The police on a secret information that the petitioner No. 1 alongwith his maternal uncle, petitioner No. 2 are indulged in trafficking of illegal contraband, raided the house of petitioner No. 2 (Arun Yadav). Noticing the police



party, the two person tried to flee away, however they were apprehended by the police personnels. On search 3kg Ganja is said to have been recovered from the house.

4. Learned Senior Advocate referring to the FIR contended that from the narratives of the FIR it is evident that the joint house of co-accused Arun Yadav was raided from where the entire recovery has been made. It is further contended that in fact on account of criminal antecedent of the petitioner No. 1 in connection with an excise matter, the name of the petitioners have been implicated in this case. There is no compliance of Section 42 and 50 of the Narcotic Drugs and Psychotropic Substances Act is the contention of the petitioners. Be that as it may the alleged recovered ganja like substance is much below the commercial quantity and, as such the rigors provided under the Section 37 of the Narcotic Drugs and Psychotropic Substances Act would not be applicable. It is lastly contended that now the investigation of the crime is already complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the recovery of 3 kg ganja from the house of Arun Yadav clearly demonstrates that the petitioners were indulged in business of



contraband.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the joint house of co-accused Arun Yadav where several family members reside. The alleged recovered contraband is much below the commercial quantity and the petitioners are in custody since 24.03.2024, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, N.D.P.S. Act, Araria in connection with Forbesganj P.S. Case No. 227 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) The petitioners will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be



cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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