

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48667 of 2024

Arising Out of PS. Case No.-158 Year-2024 Thana- NARPATGANJ District- Araria

Ramod Kumar Yadav @ Ramod Yadav, Son of Radhanand Yadav, Resident of
Village - Posdaha, P.S.- Narpatganj, District - Araria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Kumar Patel, Adv.

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard Mr. Madhav Kumar, learned counsel for the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner seeks regular bail, who is in custody
in connection with Narpatganj P.S. Case No. 158 of 2024
registered for the offences punishable under Sections 8(c) and
20(B)(ii)(B) of the N.D.P.S. Act.

3. In course of patrolling, the sepoy of SSB, Bathnaha
tried to intercept the petitioner and one another co-accused
person, who were coming on a motorcycle, however, noticing
the police party, the petitioner who is said to be pillion rider
apprehended but the person who was driving the motorcycle
succeeded in fleeing away. On search, 12.9 Kg. ganja was
recovered from a sack which was carrying by the petitioner.



4. Learned counsel for the petitioner contended that, in fact, the person who was carrying the ganja like substance on his motorcycle succeeded in fleeing away but without knowing this fact the petitioner got off from the motorcycle and thereafter he was apprehended by the police and recovery has been shown from his possession. It is further contended that even if the allegation taken to be true for the sake of argument, the alleged recovered ganja like substance is much below the commercial quantity and, as such, the requirement of compliance of twin principles under Section 37 of the NDPS Act is not attracted in the present case. There is no compliance of the other mandatory provisions of the NDPS Act. Moreover, the petitioner is in custody since 15.03.2024 having fair antecedent. Now, the charge-sheet has been submitted but without there being any FSL report. The petitioner undertakes that he will fully cooperate in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the recoveries have been made from the conscious possession of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the quantity of the ganja like substance, coupled with the fact that the rigors provided



under Section 37 of the NDPS Act is not applicable, apart from the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions cum the Special Judge NDPS, Araria in connection with Narpatganj P.S. Case No. 158 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

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

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

(iii) He 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, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and, in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioner. 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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