

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55464 of 2024**

Arising Out of PS. Case No.-109 Year-2023 Thana- SIWAN CITY District- Siwan

Lalu Yadav @ Lalu Kumar Son Of Bramha Yadav @ Brahama Chaudhari @
Barama Jadav Resident Of Village - Khodaibari, P.S. - Hussainganj, District -
Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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

ORAL ORDER

2 14-08-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 03 of 2024 arising out of Siwan Town PS Case No.
109 of 2023 instituted for the offences under Sections 413 &
414/34 of the IPC, Sections 25(1-B)A, 26 & 35 of the Arms Act
and Sections 20(b)(ii)(B), 22 & 24 of the NDPS Act.

3. Prosecution allegation, in short, is that police during
patrolling apprehended four persons and seized 1.200 Kgs of
ganja from possession of this petitioner. It is also alleged that



one country made pistol was recovered from the possession of the co-accused, namely, Arjun Kumar Ram.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner has no concern with the recovered contraband. No arms have been recovered from the possession of the petitioner. 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. The petitioner is in custody since 27-02-2023 and has got four criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been granted bail by this Court *vide* order dated 26-07-2024, passed in Cr. Misc. No. 39902 of 2024.

5. Learned A.P.P. 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, recovery below commercial quantity, charge sheet being submitted and 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with NDPS Case No. 03 of 2024 arising out of Siwan Town PS Case No. 109 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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