

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62940 of 2024

Arising Out of PS. Case No.-148 Year-2020 Thana- NATHNAGAR District- Bhagalpur

Tufani Yadav @ Tufan Yadav Son of Late Ucho Yadav R/V-Village- Naya
Tola Mirzapur, P.S.- Madhusudanpur, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Adv.

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 24-09-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Nathnagar (Madhusudanpur) P.S. Case No. 148 of 2020 dated 06.03.2020 registered for the offences punishable u/ss 20 and 22 of the N.D.P.S. Act.

3. As per the prosecution case, total 1 Kg. ganja was recovered from the possession of the co-accused, Dheeraj Kumar Yadav who disclosed that the said ganja was given by the petitioner to deliver to one Anil Yadav. It is further alleged that the petitioner and the co-accused persons are indulged in illegal business of ganja.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has sprung up in the confessional statement of the co-accused. It is further submitted that the seized contraband is less than the commercial quantity. The supplementary charge-sheet was submitted against the petitioner on 18.08.2022 and after framing charge on 07.02.2023, one prosecution witness was examined and cross-examined by the trial court as stated in para 15 of the bail petition. The co-accused person has already been granted regular bail by of this court vide order dated 12.08.2020 passed in Cr. Misc. No. 21354 of 2020. The petitioner has eleven criminal antecedents in which he is on bail as stated in para 3 of the bail petition. The petitioner is in custody since 27.05.2022.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 148 of 2020 corresponding to



N.D.P.S. Case No. 06/2021 with the condition :-

(i) One of the bailors shall be a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.

(ii) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

(iii) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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