

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65521 of 2024

Arising Out of PS. Case No.-201 Year-2024 Thana- PALASI District- Araria

Lalu Prasad Yadav Son of Radheshyam Yadav Resident of village -Dhapari
ward no 1 PS- Palasi District -Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Narayan Mahto, Adv.

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

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

ORAL ORDER

2 06-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Palasi
P.S. Case No. 201 of 2024 instituted for the offences under
Sections 8(c), 20(b)(ii)B of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
altogether 4.200 Kg. of *Ganja* from the possession of the
accused persons and, out of which, 0.750 gm *Ganja* is said to be
recovered from the possession of the petitioner.

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.
He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner and thus, has no concern with the alleged occurrence. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The quantity of *Ganja* recovered is less than the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent and is languishing in judicial custody since 10.06.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Surendra Yadav has been granted bail by this Court vide order dated 21.08.2024 passed in Cr. Misc. No. 56976 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Palasi P.S. Case No. 201 of 2024.

(Rudra Prakash Mishra, J)

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