

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80116 of 2023**

Arising Out of PS. Case No.-105 Year-2023 Thana- SAHARGHAT District- Madhubani

RAM JULUM YADAV SON OF VIJAY YADAV RESIDENT OF VILLAGE-
TULSIYAH JABTI, PS- TULSIYAH, DIST- DHANUSA NEPAL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Mukesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 08-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Sharghat P.S. Case No. 105 of 2023 registered for the offences
punishable under Sections 8/20(b) (ii) (B) of the N.D.P.S. Act.

3. As per prosecution case, petitioner and other are
said to have apprehended on the spot with the motorcycle and
from the possession of the petitioner, 2.015 Kg ganja was
recovered.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 10.08.2023 and bears no criminal
antecedent. Learned counsel orally submits that charge sheet has
been submitted in the case and there is no likelihood of
tampering with the prosecution evidence. He further submits that



petitioner is quite innocent and has committed no offence as alleged in the FIR. He further submits that alleged recovery of ganja is 2.015 Kg which falls under the purview of intermediary quantity as small quantity of ganja is 1000 gm and commercial quantity of ganja is 20 Kg, as per N.D.P.S notification. He further submits that as per seizure list, there is no compliance of Section 50 of the N.D.P.S. Act and there is complete violation of Section 42 of the N.D.P.S. Act. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that co-accused, Raju Kumar Singh, has already been granted bail vide Cr. Misc. No. 80781 of 2023 by the co-ordinate Bench of this Court and the case of the present petitioner stands on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions



Judge, Madhubani, District-Madhubani in connection with G.R.
No. 58 of 2023 arising out of Saharghat P.S. Case No. 105 of
2023 , subject to following conditions:-

(i) One of the bailors shall be either father or
mother or sister or brother or wife or the person who has sworn
the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will
remain present on all dates and absence for two consecutive
dates without appropriate permission, would be a ground for
cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the
witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(iv) If the petitioner is found involved in similar
nature of offences in future, the learned trial court shall be at
liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

vashudha/-

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