

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79482 of 2024

Arising Out of PS. Case No.-189 Year-2024 Thana- BARHARA District- Bhojpur

Ritesh Yadav Son of Nand Bihari Ray @ Nand Bihari Yadav @ Nand Bihari Singh Resident of village- Dhusariyan, PS- Barahara, District- Bhojpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 14-11-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with NDPS Case No. 31 of 2024, arising out of Barahara P.S. Case No. 189 of 2024 instituted for the offences under Sections 8, 20(b)(ii)(B) of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 2 Kilograms of *ganja* has been recovered in this case. One country-made pistol has also been recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is in custody since 14.05.2024 and has seven criminal



antecedents. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner has no concern with the alleged recovery. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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 as also 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. 31 of 2024, arising out of Barahara P.S. Case No. 189 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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