

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81935 of 2024

Arising Out of PS. Case No.-18 Year-2019 Thana- BARACHATTI District- Gaya

Binod Yadav @ Binod Kumar S/o Deoki yadav @ Devki Yadav R/o vill -
Jaigir, P.s. - Barachatti, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

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

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

ORAL ORDER

2 05-12-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in Barachatti P.S. Case
No. 18 of 2019 instituted for the offences under Sections 8,
20(b)(ii)(c) & 25 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 10 Kg ganja from the house of co-accused, Deoki
Yadav.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case merely because he is son of the co-accused. 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 and he was not present at the time of occurrence. 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 11-09-2024 and has got no criminal antecedent. 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, recovery below commercial quantity 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 Barachatti P.S. Case No. 18 of 2019.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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