

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82369 of 2024

Arising Out of PS. Case No.-114 Year-2023 Thana- RUPAULI District- Purnia

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Tinku Yadav @ Chandan Kumar s/o Sri Sugga Yadav @ Suggi Lal Yadav
Resident of Sarsi Milki, P.S- Sarsi, Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Adv.

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

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

ORAL ORDER

2 03-12-2024 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner seeks bail in connection with

Supplementary Special Case No. 51 of 2023 arising out of

Rupauli P.S. Case No. 114 of 2023 instituted for the offences

under Sections 8(C), 21(C) and 25 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered

total 15 grams Smack (Brown Sugar) from the possession of

the co-accused Rana Yadav.

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 merely on the basis of suspicion and confessional statement of the apprehended person namely Rana Yadav, who has already been enlarged on bail vide order dated 28.07.2023 passed by a Co-ordinate Bench of this Court in Cr. Misc. No. 45203 of 2023. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner or from his house. The petitioner has no concern with the seized contraband. The quantity of contraband 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 a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has three criminal antecedents and is languishing in judicial custody since 13.09.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Anand Kumar Ray has been granted bail by this Court vide order dated 28.02.2024 passed in Cr. Misc. No. 12265 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, alleging that the offence alleged against the petitioner is serious in nature. The name of the petitioner has come on the basis of the confessional statement of the co-accused Rana Yadav from whose possession, 15 grams of Smack was recovered and, hence, he does not deserve bail.

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, ***after framing of charge if not already framed***, 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 Supplementary Special Case No. 51 of 2023 arising out of Rupauli P.S. Case No. 114 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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