

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85495 of 2024

Arising Out of PS. Case No.-639 Year-2024 Thana- BIDUPUR District- Vaishali

Shiv Shankar Yadav Son of Late Dharamnath Singh Yadav @ Late
Dharmnath Singh Resident of village- Bhimpatti PS- Bihiya District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Firoz Raza
For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 08-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bidupur P.S. Case No. 639 of 2024 dated 09.10.2024 registered
for the offences punishable under Sections 8, 20(B)(ii)(b) and
29 of the N.D.P.S. Act.

3. As per the prosecution case, total 12.120 mg., drugs
kota is said to have been recovered.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
this case. It is submitted that no incriminating article has been
recovered from the possession of the petitioner. Learned counsel
has further submitted that the seizure list was prepared on



08.10.2024 and the F.I.R. has been lodged on 09.10.2024 and the delay in lodging of the F.I.R. has not been explained by the prosecution. There is no statutory compliance of Section 105 of the B.N.S.S. and Section 50 of the N.D.P.S. Act. The said contraband is small quantity. He has no concern with the alleged recovery. The co-accused person has already been granted regular bail by this court vide order dated 25.03.2025 passed in Cr. Misc. No. 85806 of 2024. The petitioner has no criminal antecedent as stated in paragraph no. 3 of the bail petition. The petitioner is in custody in this case since 09.10.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Principal Sessions Judge, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 639 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which



on two consecutive dates without reasonable
cause, the bail bonds of the petitioner are
liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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