

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 9364 of 2016**

Manoj Yadav @ Manoj Kumar Yadav Petitioner
Versus
The State of Jharkhand Opposite Party

CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH

For the Petitioner : Mr. Munna Lal Yadav, Advocate
For the State : A.P.P.

10/Dated: 28/04/2017

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner has been made an accused for the offence registered under Sections 15, 18 of the N.D.P.S. Act.

Under order dated 21.04.2017, learned A.P.P was directed to address this Court whether the seized poppy straw is a narcotic substance under N.D.P.S act or not.

Learned counsel for the petitioner has submitted that petitioner is in custody since 11.04.2016 and charges were framed and six witnesses have been examined.

Learned A.P.P has filed the counter affidavit bringing on record the report of F.S.L, whereby the report dated 20.07.2016, which reveals that F.S.L, Jharkhand, Rachi was sent to the learned Sessions Judge, Chatra vide S.F.S.L Report No. 503/2016. That the deponent stated and submits that the poppy straw is a narcotic substance as per the N.D.P.S act and the petitioner was identified by the witnesses carrying 35 Kg of Poppy straw on his motorcycle which involves quantity lesser than commercial quantity. He has also referred to Section 110 of the N.D.P.S Act that poppy straw under the drug and 1 K.G. Small quantity and 50 Kg is a commercial quantity.

Taking all these facts and circumstances of the case, the petitioner above named, is directed to 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 Additional Sessions Judge-IV, Chatra in connection with Hunterganj P.S. Case No. 51 of 2016 corresponding to G.R. No. 391 of 2016, subject to the condition that one of the bailors shall be close relative of the petitioner and other condition that petitioner will remain physically present on each and every date of the trial and if he fails to appear, it shall be open to the trial court he shall cancel the bail of the petitioner.

(Anant Bijay Singh, J.)