

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9123 of 2025

Arising out of PS. Case No.-14 Year-2024 Thana- PARBATTI District- Bhagalpur

Anil Yadav aged about 34 years Male, Son of Fodari Yadav Village- Rasalpur
PS- Naugachhia Dist -Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Advocate

For the Opposite Party/s: Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 22-03-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner is apprehending his arrest in connection with Parbatta P.S. Case No. 14 of 2024 instituted for the offences under Sections 21(c), 22(c) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The allegation in the First Information Report is to the effect that on 19.01.2024 at about 10.00 A.M., the informant along with other police personnel while patrolling received secret information that a pickup van carrying prohibited medicine Codeine would go towards Jagatpur Bahiyar on which the informant informed the senior officer and the police party started checking of vehicles and in course thereof the police



party saw a Bolero pickup van was coming but the driver of that vehicle tried to flee seeing the police party but the police party chased and caught the driver with the vehicle. From the vehicle, two persons namely Abhishek Kumar, the driver and Mankhush Kumar were apprehended by the police party. On search of the Bolero pickup van 2150 bottles of Codeine Phosphate and Triprolidine HCL Syrup containing 100 ML each total 215 litres were recovered and seized.

4. It is submitted by learned counsel for the petitioner that the petitioner is merely the owner of the vehicle and he has no connection whatsoever with the seized materials. The petitioner is neither in any way involved in the alleged crime nor has the driver of the vehicle named him to have been involved in the present case. It is further submitted that recovery was not made from the conscious possession of the petitioner and there is no independent witnesses to the seizure-list. The vehicle of the petitioner is stated to be commercial vehicle and the owner was unaware of any such consignment being carried. It is lastly submitted that the petitioner has got no criminal antecedent.

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



6. Considering the aforesaid facts and circumstances of the case and the fact that the petitioner is owner of the vehicle and the vehicle is stated to be commercial vehicle, the petitioner, abovenamed, is directed to be released on anticipatory bail **after verification of the ownership along with commercial license of the seized vehicle**, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Bhagalpur in connection with Parbatta P.S. Case No. 14 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the



bail, the bail bond of the petitioner will be liable
to be canceled by the Court concerned.

(Sourendra Pandey, J)

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