

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12251 of 2025

Arising Out of PS. Case No.-206 Year-2022 Thana- BARACHATTI District- Gaya

Sahdev Yadav, S/o Late Jogdish Yadav @ Jagdish Yadav, Resident of village-
Piprahi, P.S- Barachati, Dist- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. N.K. Agrawal, Senior Advocate
	Mr. Sanjay Kumar Sinha, Advocate
For the Opposite Party/s :	Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 01-08-2025 Heard learned senior counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Barachatti P.S. Case No.206 of 2022 registered for the
offence punishable under Sections 8(b), 18 and 29 of the
Narcotic Drugs and Psychotropic Substances Act.

3. The accused/petitioner is named in the FIR and
is in custody since 06.12.2024.

4. Allegation against the petitioner is to involve in
illegal cultivation of opium over 22.07 acres of forest land and
8.5 acres of non-forest land along with other co-accused
persons, where name of petitioner transpired on the basis of
secret information, where it has been revealed that accused



persons including the petitioner were involved in cultivation of opium.

5. Mr. N.K. Agrawal, learned senior counsel while arguing on behalf of the petitioner submitted that the petitioner has been implicated falsely with this case purely on the basis of suspicion, as he is the resident of nearby locality. It is submitted that with same allegation, the co-accused, namely, Upendra Yadav has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.30779 of 2023 dated 27.07.2023. It is submitted that the petitioner is in custody for only reason that he found involved in ten more criminal cases of similar nature, where in maximum of cases, his name transpired either on the basis of suspicion or confessional statement, having otherwise no evidentiary value under the law. It is pointed out that if the merit of case otherwise favourable to the petitioner, merely on the ground of his criminal antecedents of ten case, where he is on bail, the present prayer of bail ordinarily should not be rejected. In support of his submission, Mr. Agrawal has relied upon the legal report of Hon'ble Supreme Court as



available through **Prabhakar Tewari vs. State of U.P. & Ors. [(2020) 11 SCC 648]**. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail could not disputed the factual submissions as advanced above.

7. In view of aforesaid fact and circumstances and by taking note of fact as save and except suspicion, nothing *prima facie* appears/recovered during the course of investigation as to connect petitioner with present crime in question, coupled with the fact that investigation of this case has already completed, where petitioner remained in custody since 06.12.2024, accordingly, the petitioner, above-named, is directed to be released on bail 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-cum-Special Judge NDPS Act, Gaya in connection with Barachatti P.S. Case No.206 of 2022, subject to the



conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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