

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12154 of 2025

Arising Out of PS. Case No.-149 Year-2024 Thana- KALUAHI District- Madhubani

Subhash Yadav @ Subhash Kumar S/o- Badri Narayan Yadav Village-
Mohanpur PS-Harlakhi, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Adv.

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

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

ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kaluahi
P.S. Case No. 149 of 2024 (G.R. No. 56 of 2024), instituted for
the offences punishable under Sections 8B, 20(b)(ii)C, 24 of
N.D.P.S. Act, Sections 25(1-B)(a), 26 & 35 of the Arms Act.

3. Prosecution allegation, in short, is that there is
recovery of 5.70 Kg *ganja* and one country made pistol along
with two live cartridges from the bag of co-accused namely,
Subhas Kumar. The police has also seized one glamour
motorcycle with unclear registration number.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case with ulterior motive. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that the petitioner has got no concern with the alleged recovery of *ganja* and arms. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 03.08.2024 and has got ten criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned counsel for the petitioner again submits that the co-accused namely Sudhir Kumar @ Sudhir Sah @ Sudhir Kumar Sah has been granted bail by this Court vide order dated 22.01.2025 passed in Cr. Misc. No. 1831 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner has altogether ten criminal antecedents.

7. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity, the period of custody undergone by the petitioner as also the prayer for bail being based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Kaluahi P.S. Case No. 149 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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