

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17163 of 2025

Arising Out of PS. Case No.-748 Year-2022 Thana- KOTWALI District- Patna

Raju Yadav S/O Lalan Yadav R/O Village- Naya Tola Rautara, P.S- Rautara,
Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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

ORAL ORDER

2 04-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kotwali
P.S. Case No. 748 of 2022 instituted for the offences under
Sections 401, 414, 419, 420, 467, 468, 471/34 of the IPC,
Sections 25(1-b)a, 26, 35 of the Arms Act and Sections 8(c),
21(b) of the N.D.P.S. Act.

3. As per prosecution case there is recovery of total
12.77 gram of smack in this case and out of which 3.62 grams
of smack has been recovered from this petitioner. It is further
alleged that one country-made pistol and one live cartridge has
also been recovered from the petitioner.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. Petitioner is in custody since 21.11.2022 and has fourteen criminal antecedents. Learned counsel further submitted that no incriminating article has been recovered from the conscious possession of the petitioner and petitioner has got no concern with the recovered arms and ammunition as also with the recovered contraband. There is no allegation of tampering of witnesses alleged against the petitioner. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. The co-accused person has already been granted bail by this Court vide order dated 05.03.2025 passed in Cr. Misc. No. 705 of 2025.

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

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

7. 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 Kotwali P.S. Case No. 748 of 2022.

(Rudra Prakash Mishra, J)

Alok Verma/-

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