

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20887 of 2025**

Arising Out of PS. Case No.-427 Year-2024 Thana- BARACHATTI District- Gaya

Upendra Yadav Son of Sri Komal Yadav Resident of Village - Chordaha, P.S.
- Chauparan, District - Hazaribagh (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritwik Thakur, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 28-04-2025 Heard Mr. Ritwik Thakur, learned counsel for the
petitioner and Ms. Nirmala Kumari, learned APP for the State.

2. The petitioner seeks regular bail in connection with
Barachatti P.S. Case No. 427 of 2024 dated 19.09.2024
registered for the offence(s) punishable under Sections 8, 17(c),
18(c) of the Narcotic Drugs and Psychotropic Substances
(N.D.P.S.) Act.

3. The main submissions advanced by petitioner's
counsel are that the instant matter relates to the recovery of 5
kg. of poppy husk (*Doda Churn*) from the kitchen premises of
the petitioner's hotel, in fact, the petitioner had, prior to the
alleged recovery, rented his hotel out to one Laddu Singh @
Khaira Singh on 08.09.2024 and in this regard an agreement



was duly executed and a copy of the said agreement is annexed herewith as Annexure-2 and at the time of recovery the hotel was in the possession of said co-accused Laddu Singh @ Khaira Singh and not that of the petitioner and this fact is evident from the FIR itself wherein, Laddu Singh @ Khaira Singh has been specifically shown as the person operating and managing the hotel at the relevant time. It is further submitted that alleged recovered contraband comes in the purview of intermediate quantity and petitioner has been languishing in jail since 10.02.2025 and in the past, he has not remained accused in any of the offences relating to N.D.P. S. Act. It is lastly submitted that the mandatory provisions of N.D.P.S. Act such as sampling and preparation of inventory on the spot were not followed by the police.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. In the facts and circumstance of this case as well as considering the aforesaid submissions and mainly petitioner's aforesaid defence as to his hotel having been rented out by him to the co-accused before the recovery of the alleged contraband and also coupled with the quantity of the alleged contraband, this court is inclined to grant the relief of bail to the petitioner.



Accordingly, let the petitioner named-above be enlarged on bail in connection with Barachatti P.S. Case No. 427 of 2024 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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