

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22170 of 2025

Arising Out of PS. Case No.-149 Year-2024 Thana- Balwahat District- Saharsa

Bhushan Yadav @ Kailash Yadav Son of Medni Yadav R/o - Aini, Ward
No.10, P.S - Balwahat, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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

ORAL ORDER

2 28-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Balwahat Rail P.S. case No. 149 of 2024 corresponding to
Special Case No. 7 of 2025 instituted for the offences under
Sections 8, 20(b)(ii)B of the N.D.P.S. Act.

3. Prosecution case, in short, is that the police has
recovered total 7.328 Kilograms of *Ganja*, kept in two white
plastic bags, from the possession of the petitioner.

4. Learned counsel for the petitioner submitted that
the petitioner has falsely been implicated in the present case
due to highhandedness of the local police. Charge-sheet has



been submitted in this case. Petitioner is in custody since 26.10.2024 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Nothing incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has no concern either with the Tempo vehicle or with the seized Ganja like substance. 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.

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, clean antecedent 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 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 Balwahat Rail P.S.



case No. 149 of 2024 corresponding to Special Case No. 7 of
2025.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

