

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75261 of 2024**

Arising Out of PS. Case No.-180 Year-2024 Thana- BETTIAH CITY District- West
Champaran

Suresh Yadav Son of Bedar Yadav R/O Vill.- Bajaya Bairiya, Post- Damrapur,
Police Station- Sahodra, Bettiah, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 22683 of 2025

Arising Out of PS. Case No.-180 Year-2024 Thana- BETTIAH CITY District- West
Champaran

Sanjay Patel S/o Late Bunela Patel R/o Village- Bhikhampur, P.S.- Sirisiya,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 75261 of 2024)
For the Petitioner/s : Mr. Dhananjay Kumar, Adv
For the Opposite Party/s : Mr. Nagendra Prasad, APP
(In CRIMINAL MISCELLANEOUS No. 22683 of 2025)
For the Petitioner/s : Mr. Sharad Kumar Verma, Adv
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 11-08-2025 **CRIMINAL MISCELLANEOUS No.75261 of 2024**

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Bettiah Town P.S. Case No. 180 of 2024 registered for the



offences under Section 414 of the IPC & Sections 8, 20 (b)(ii) (c), 22 (c) and 23 (c) of the NDPS Act.

3. The petitioner is named in the F.I.R. and is in custody since 20.04.2024.

4. As per FIR accused/petitioner upon raid conducted by NCB found in possession of 4 kilograms of *charas*.

5. Learned counsel appearing on behalf of the petitioner submitted that from the bare perusal of the FIR it can be gathered that recovery of “***charas* like substance**” without even any preliminary scientific test ascertaining that it was *charas*, sample was drawn and, therefore, entire implication can be said to be made on the basis of suspicion. It is submitted that even the charge-sheet was submitted without obtaining the F.S.L. report and considering this aspect one of the learned Co-ordinate Bench of this Court granted bail to co-accused Faiyaz Miyan from whom there was recovery of 15.636 kilograms of *charas* through Cr. Misc. No. 16906 of 2025 dated 02.07.2025. It is further submitted that case of petitioner is on equal footing. Beside aforesaid, it



is submitted that petitioner was implicated falsely with this case only for the reason as petitioner found involved in ten more criminal cases of different nature, where he is on bail and, therefore, petitioner implicated with the present case with an aggravated version in planned manner by police.

6. For aforesaid false implication wife of petitioner filed Cr.W.J.C. No. 1148 of 2024 before this Court, where one of the learned Co-ordinate Bench of this Court through its order dated 13.02.2025 as passed in aforesaid criminal writ petition directed to take departmental action against SP Bettiah and accordingly D.G.P. Bihar was directed for the said action. It is pointed out that if the merit of the case otherwise convincing in favour of petitioner, merely on the ground of criminal antecedents bail of petitioner ordinarily should not be rejected. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of Uttar Pradesh and Another, [(2020) 11 SCC 648]**. While concluding the argument it is submitted that till date only two prosecution witnesses have been examined and trial of this case is not



likely to conclude in the near future.

7. Learned APP appearing on behalf of the State, while opposing the prayer for bail fairly conceded that co-accused Faiyaz Miyan was granted bail by learned Co-ordinate Bench of this Court as submitted aforesaid.

8. In view of aforesaid factual submission and by taking note of judicial parity as similarly situated co-accused Faiyaz Miyan has already granted bail as discussed aforesaid, coupled with the fact as petitioner remains in custody since 20.04.2024 and moreover, trial of this case is not likely to conclude in the near future, accordingly above named petitioner, is directed to be released on bail in connection with Bettiah Town P.S. Case No. 180 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, NDPS, West Champaran at Bettiah/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

CRIMINAL MISCELLANEOUS No. 22683 of 2025



Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Bettiah Town P.S. Case No. 180 of 2024 registered for the offences under Section 414 of the IPC & Sections 8, 20 (b)(ii) (c), 22 (c) and 23 (c) of the NDPS Act.

3. The petitioner is named in the F.I.R. and is in custody since 19.04.2024.

4. As per FIR accused/petitioner upon raid conducted by NCB found in possession of 16.130 kilograms of *charas*.

5. Learned counsel appearing on behalf of the petitioner submitted that from the bare perusal of the FIR it can be gathered that recovery of “***charas* like substance**” without even any preliminary scientific test ascertaining that it was *charas*, sample was drawn and, therefore, entire implication can be said to be made on the basis of suspicion. It is submitted that even the charge-sheet was submitted without obtaining the F.S.L. report and considering this aspect one of the learned Co-ordinate Bench of this Court granted



bail to co-accused Faiyaz Miyan from whom there was recovery of 15.636 kilograms of *charas* through Cr. Misc. No. 16906 of 2025 dated 02.07.2025. It is further submitted that case of petitioner is on equal footing.

6. For aforesaid false implication wife of petitioner filed Cr.W.J.C. No. 1148 of 2024 before this Court, where one of the learned Co-ordinate Bench of this Court through its order dated 13.02.2025 as passed in aforesaid criminal writ directed to take departmental action against SP Bettiah and accordingly D.G.P. Bihar was directed for the said action. It is also submitted that petitioner found involved in one more case, where he is on bail. While concluding the argument it is submitted that till date only two prosecution witnesses have been examined and trial of this case is not likely to conclude in the near future.

7. Learned APP appearing on behalf of the State, while opposing the prayer for bail fairly conceded that co-accused Faiyaz Miyan was granted bail by learned Co-ordinate Bench of this Court as submitted aforesaid.

8. In view of aforesaid factual submission and by



taking note of judicial parity as similarly situated co-accused Faiyaz Miyan has already granted bail as discussed aforesaid, coupled with the fact as petitioner remains in custody since 19.04.2024 and moreover, trial of this case is not likely to conclude in the near future, accordingly above named petitioner, is directed to be released on bail in connection with Bettiah Town P.S. Case No. 180 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, NDPS Act, West Champaran at Bettiah/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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