

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24482 of 2025

Arising Out of PS. Case No.-319 Year-2024 Thana- CHOUTARWA District- West
Champaran

Ajay Yadav S/o Sugriv Yadav @ Sugrav Yadav R/o Village- Bhapsa Daunaha,
Police station- Dhanaha, District- west Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 07-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 8, 20(b)(ii)(c) and 29
of the NDPS Act.

3. The prosecution story in brief is that on 05.12.2024,
police received secret information that ganja was being
transported in Truck No. UP53DT-3026. It is next alleged that
the truck was apprehended and the driver and cleaner were
apprehended.

4. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 204.133 kg of ganja hidden in a cabin box. It is



further submitted that petitioner is innocent and has been falsely implicated in the present case, it is next submitted that petitioner is bonafide owner of the truck who was not knowing that the driver was carrying some intoxicated substance like *ganja*, it is also submitted that name of the petitioner has been implicated as an accused on the basis of statement of co-accused before the police which is not admissible in the eye of law.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the fact that nothing has been recovered from the conscious possession of the petitioner and also the fact that petitioner is a person with clean antecedent as well as the fact that the seizure memo has not been witnessed by two independent witnesses, which put a serious question mark on the legality and validity of the seizure itself.

7. Accordingly, the petitioner in the event of his arrest or surrender within four weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (NDPS), Bettiah, West Champaran in connection with Chautarwa P.S. Case No. 319 of 2024, subject to the conditions



laid down under section 482(2) of the Bharatiya Nagarik
Suraksha Sanhita, 2023.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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