

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36419 of 2025

Arising Out of PS. Case No.-10 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

Ram Dayal Yadav, aged about 43 years (M), S/o Late Dina Nath Yadav, R/o
Village- Budhi Daleya, P.S.- Kuchaikot, District- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Dharmveer, Advocate

For the Opposite Party : Mr. Shahabuddin Azeem @ S. Azeem, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 10-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kuchaikot P.S. Case No. 10 of 2024 dated 06.01.2024 registered
for the offences punishable under Sections 20, 22, 25 and 29 of
the N.D.P.S. Act.

3. As per the prosecution case, total 181.950 Kgs., of
Ganja was recovered from the Alto Car which was parked at the
Darwaza of the petitioner.

4. Vide order dated 15.09.2025, a detail report with
respect to the present stage of the present case was called for
from the court of learned Additional Sessions Judge-III,
Gopalganj and in compliance of the aforesaid order dated



15.09.2025, the learned D.A.J-II, Gopalganj vide its Letter No. 293 dated 24.09.2025 has sent a report to this Court in which it has been reported that in the present case, charges were framed on 24.06.2024 and thereafter out of 08 charge-sheeted witnesses including I.O., 07 witnesses have been examined till 16.09.2025 and remaining 01 witness is yet to be examined. Bailable warrant issued on the rest one non-examined witness dated 17.09.2025 from this court. Presently this case is pending for prosecution evidence and the time is likely to be taken in conclusion of the trial within six months.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. No incriminating article has been recovered from the possession of the petitioner. There is no statutory compliance under the provisions of the N.D.P.S. Act and mandatory provision of Section 103(4) of the B.N.S.S., 2023. It is further submitted that the seized Ganja was recovered from the *Maize* field. There is no likelihood of trial of the petitioner being concluded in near future. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 07.01.2024.

6. Learned A.P.P. for the State has vehemently opposed



the prayer for bail petition of the petitioner and has further submitted that the seized contraband is commercial quantity i.e., total 181.950 Kgs., of Ganja and the petitioner has no any valid authorization for keeping the same. It is further submitted that this case comes under the N.D.P.S. Act and Drugs and Cosmetics Act as per Section 80 of the N.D.P.S. Act.

7. As per Section 37 of the N.D.P.S. Act., the two conditions are that the Court should be satisfied with:-

- (i) There are reasonable grounds for believing that the accused is not guilty of such offence; and
- (ii) He is not likely to commit any offence while on bail.

8. If either of these two conditions is not satisfied, the bar operates and the accused cannot be released on bail. The Court is of the opinion that the parameters of bail available under Section 37 of the Act have not satisfied in the facts of the instant case. The Hon'ble Supreme Court in the case of ***Narcotics Control Bureau V. Mohit Aggarwal 2022 SCC OnLine SC 891*** has held that "The length of the period of his custody or the fact that the charge-sheet has been filed and the trial has commenced are by themselves not considerations that



can be treated as persuasive grounds for granting relief to the respondent under Section 37 of the N.D.P.S. Act.”

9. Considering the aforesaid facts and circumstances of the case and finding substance in the contention of the learned A.P.P. for the State as well the recovery of commercial quantity from Alto Car which was parked at the *Darwaza* of the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Kuchaikot P.S. Case No. 10 of 2024, pending in the court of learned Additional Sessions Judge-III, Gopalganj.

10. The application stands rejected.

11. The petitioner will be at liberty to renew his prayer for bail after six months if the trial is not concluded.

(Chandra Prakash Singh, J)

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