

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34393 of 2025

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

Hiralal Yadav S/o Paras Yadav R/o Village- Kathaha, Police Station-
Dhanaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bashishtha Narayan Mishra, Advocate
Mr. Brij Kishor Mishra, Advocate
Mr. Sachida Nand Rai, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-06-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of regular bail to the petitioner who is in custody in connection with Chautarwa P.S. Case No. 319 of 2024, lodged on 06.12.2024, under Sections 8, 20(b)(ii)(c) and 29 of the N.D.P.S. Act.

3. As per the prosecution, total recovery of 204.133 kgs. of Ganja has been made, which is subject matter of the present case.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel also submits that the said recovery has been made from a Truck and the apprehended person were driver and khalasi. Counsel further submits that petitioner was not apprehended, nothing has been recovered from the conscious possession of the petitioner. Counsel further submits that other co-accused, namely, Ajay Yadav, who is truck owner has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 07.05.2025 passed in Cr. Misc. No.24482 of 2025. Counsel submits that there are three criminal antecedent of the petitioner and he is on bail in all three cases and he is in custody since 01.04.2025.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the commercial quantity of Ganja has been recovered, which is an NDPS material and the apprehended accused persons have directly named the petitioner, whose antecedent is not clean and there are three criminal cases pending against the petitioner.

6. In the light of the facts and circumstances of this case and particularly the co-accused, whose anticipatory bail has been granted by this Court considering that his antecedent is clean and here in the present case antecedent of the petitioner is not clean. This Court finds that ingredients of Section 37 of the



NDPS Act is not applicable to the petitioner, therefore, this Court is not inclined to enlarge the petitioner on bail in connection with Chautarwa P.S. Case No. 319 of 2024 pending in the court of learned Exclusive Special Judge (NDPS), West Champaran at Bettiah.

7. Accordingly, the prayer for bail of the petitioner is hereby rejected.

(Dr. Anshuman, J)

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