

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34714 of 2025

Arising Out of PS. Case No.-58 Year-2025 Thana- LAUKAHI District- Madhubani

1. Amod Kumar Yadav S/o- Ashish Lal Yadav Village- Jhanjhapatti Aash PS- Khutauna District-Madhubani
2. Prem Kumar Pandit S/o- Ramvagya Pandit @ Ramvriksh Pandit Village- Khutauna Naya Bazar Kumar Toli Ps- Khutauna Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-06-2025 Heard learned counsel for the petitioners 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 in connection with Laukahi P.S. Case No. 58 of 2025 lodged on 28.03.2025 under Section 8, 21(c), 22(c) of the N.D.P.S. Act.

3. As per the prosecution, F.I.R. has been lodged against three named accused persons, including the present petitioner, alleging that during a routine check, the police party found certain drugs being transported to Nepal in an auto-



rickshaw. The auto driver was apprehended, after which the present petitioners arrived at the spot and informed the police that the materials found in the auto were medicines and belonged to them. Subsequently, the police apprehended all three individuals, the auto driver and the present petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that it is nowhere mentioned in the F.I.R. which of the seized medicines fall under the category of N.D.P.S. materials. Counsel further submits that there has been no compliance of Sections 103, 104 & 105 of the Cr.P.C., nor with any relevant provisions of the N.D.P.S. Act by the police. It is further submitted that the innocence of the petitioners is evident from the F.I.R. itself, as it was the petitioners who voluntarily approached the police and stated that the medicines belonged to them. Despite this, and without proper verification as to whether the seized medicines were covered under the N.D.P.S. Act, the police proceeded to arrest all of them and added allegations under the N.D.P.S. Act. Counsel also submits that the petitioners have clean antecedents and have been in custody since 29.03.2025.

5. Learned APP for the State opposes the prayer for



bail but fairly submits that it is true that there has been no compliance with the provisions of the N.D.P.S. Act, and it has also not been indicated which of the seized medicines fall within the purview of the N.D.P.S. Act.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Principal Sessions Judge, Madhubani in connection with Laukahi P.S. Case No. 58/2025, subject to the following conditions as laid down under Section 480(3) of the BNSS.

(Dr. Anshuman, J.)

Siddharth
Sagar/-

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