

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36858 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- JITNA District- East Champaran

Vikash Kumar Yadav S/O Ram Singasan Yadav @ Ram Sihasan Yadav @
Sinhasan Rai Resident of village- Agarwa, PS- Jitna, district- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 10-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Jitna
P.S. case No. 05 of 2025 (N.D.P.S. Case No. 38 of 2025)
instituted for the offences under Sections 21(c), 22, 25, 29 of
the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
total 296 pieces of Noophin Injection (2 ml each), 297 pieces of
Phenargan Injection (2 ml each), 297 pieces of Diazepam
Injection (2 ml each) from the possession of the petitioner
Vikash Kumar Yadav.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case due to



oblique and ulterior motive. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. Charge-sheet has been submitted in this case. Petitioner is in custody since 12.01.2025 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovered bag and medicine. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. There is also no compliance of Section 103 of the B.N.S.S., 2023.

5. Learned counsel for the petitioner further submits that the co-accused Sanju Jaiswal @ Sanju Jayasaval has already been granted bail by a Co-ordinate Bench of this Court vide order dated 12.05.2025 passed in Cr. Misc. No. 19624 of 2025. Co-accused Satyam Jaiswal @ Satya Jaiswal has also been granted bail by this Court vide order dated 02.09.2025 passed in Cr. Misc. No. 19261 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Learned counsel for the State has filed counter affidavit as well as supplementary counter affidavit. Apart from



other things, in Para 11 of the supplementary counter affidavit, it has been stated that total number of vials 296 is multiplied by 0.6 mg i.e. 296×0.6 mg equals to total of 177.6 mg (0.1776 grams) of prohibited Buprenorphine Hydrochloride equal to Buprenorphine which is much lesser than the small quantity. Further in Para-13, it has been stated that total 297 vial multiplied by 5 mg. i.e. 297×5 mg. equals to 1485 mg (1.485 grams) of Diazepam, which is also much lesser than the small quantity.

10. Learned counsel for the State thus submitted that the petitioner is engaged in sell of prohibited psychotropic substance and is dangerous and injuries to the society as a whole and, thus, the petitioner does not deserve bail.

11. Having heard learned counsel for the parties and considering the aforesaid facts and circumstances of the case, clean antecedent, the period of custody undergone by the petitioner, the prayer for bail being based on parity as also the recovered contraband being below the commercial quantity, this Court is inclined to grant bail to the petitioner.

12. Let the petitioner be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Jitna P.S. case No.
05 of 2025 (N.D.P.S. G.R. No. 04 of 2025).

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

