

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41361 of 2025

Arising Out of PS. Case No.-90 Year-2025 Thana- BHAWANIPUR District- Purnia

Mithilesh Yadav @ Mithlesh Yadav S/O Gulabi Yadav Resident of village-
Sudamanagar, P.S- Bhawanipur, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-07-2025 Learned counsel for the petitioner seeks permission to
make necessary correction in para-10 of the petition regarding
quantity of contraband in course of the day.

02. He is permitted to do so in course of the day.

03. Heard learned counsel for the petitioner and
learned APP for the State.

04. In the present case, the petitioner seeks bail in
connection with Bhawanipur P.S. Case No. 90 of 2025
registered for the alleged offences under Sections 8(c), 21(b) of
NDPS Act.

05. As per prosecution case, during checking of
vehicles two suspicious looking persons were apprehended and
the petitioner is one of them. From the possession of the
petitioner, recovery of 2.43 gram of smack was made. From the



other co-accused, recovery of 2.79 gram of smack was made. At the instance of apprehended co-accused, third co-accused, Krishan Kumar Mandal, was also apprehended and from his possession, recovery of 3.11 gram of smack was made.

06. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the recovery shown from the petitioner is below the small quantity. Learned counsel further submits that if even the total quantity of smack recovered from all three accused persons is taken into account, the same would come to be 8.11 gram only, which is much less than commercial quantity. Learned counsel further submits that the petitioner is having clean antecedent and he is custody since 11.04.2025. Learned counsel further submits that the co-accused Krishan Kumar Mandal has been granted bail by a Co-ordinate Bench vide order dated 04.07.2025 passed in Criminal Misc. no. 39204 of 2025.

07. Learned APP for the State opposes the prayer for bail.

08. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the recovery of less than small quantity of contraband from this



petitioner and also considering the period of custody of the petitioner and his clean antecedent and also considering the grant of bail to the similarly placed co-accused person, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS Act, Purnea/court concerned in connection with Bhawanipur P.S. Case No. 90 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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