

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45341 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- Pastpar Pusthi District- Saharsa

Murari Yadav @ Murari Kumar @ Murari Kumar Yadav son of Janardan
Yadav Village-Bhawra , Ward no. 1, P.S-Sonbarsa Raj ,District-Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-07-2025 Heard Mr. Vijay Shankar Shrivastava, learned
counsel for the petitioner and Mr. Nawal Kishore Prasad,
learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
24.04.2025 in connection with Pastpar P.S. Case No. 09 of 2025,
F.I.R. dated 14.01.2025 for the offences punishable under
Sections 8/20 (B) (ii)(A) of NDPS Act.

3. Recovery is of 4.50 kg of Ganja.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that 4.50 kg Ganja has
been recovered from the co-accused, namely, Chandershekhar
Kumar and he has disclosed the name of the petitioner and other



accused person and except the aforesaid, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that there is non-compliance of the mandatory provision of Sections 42 and 50 of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner. He further submits that the co-accused, namely, Fulchand Mandal whose name has been transpired on the basis of the confessional statement of the said Chandershekhar Kumar has been granted anticipatory bail by this Court vide order dated 21.05.2025 passed in Cr. Misc. No. 33972 of 2025 and another co-accused, namely, Munna Singh has also been granted anticipatory bail by this Court vide order dated 21.05.2025 passed in Cr. Misc. No. 33551 of 2025. The petitioner is in custody since 24.04.2025.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the recovered contraband is less than the commercial quantity, petitioner has clean antecedent, nothing has been recovered from the possession of the petitioner, except



the confessional statement of the co-accused person no other material has come during investigation which suggest the involvement of the petitioner in the present occurrence and the co-accused persons have been granted anticipatory bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Principal Sessions Judge cum Special Judge, Saharsa in connection with Pastpar P.S. Case No. 09 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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