

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44636 of 2025

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

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Badal Yadav S/o- Late Brijanand Yadav Village- Tiar, PS- Asav, District-
Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Madhu Prasun, Advocate
For the Opposite Party/s : Mr. Nityanand Tiwary, APP

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

ORAL ORDER

3 21-07-2025 Heard Mr. Madhu Prasun, learned counsel for the

petitioner and Mr. Nityanand Tiwary, learned APP for the State.

2. The petitioner seeks bail in connection with

Chautarva PS Case No. 319 of 2024 instituted for the offences

under Sections 8, 20(b)(ii)(c) & 29 of the NDPS Act.

3. Prosecution allegation, in short, is that a truck

bearing no. UP53DT3026 was intercepted based on secret

information, leading to the arrest of driver Raju Yadav and

khalasi Badal Yadav (petitioner). Upon search, 104 packets of

ganja weighing 204.133 kg were recovered hidden inside the

truck cabin. The accused disclosed that Hiralal Yadav of West

Champaran was involved in the ganja trade.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. The petitioner is in custody since 06-12-2024 and has got no criminal antecedent. Charge-sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. Learned counsel further submits that as is evident from the FIR itself, petitioner was *khalashi* of vehicle in question and he was unaware about the illicit contraband loaded in the vehicle. There is no compliance of Sections 42 & 50 of the NDPS Act. It is submitted that other co-accused has been enlarged on anticipatory bail by a Coordinate Bench of this Court vide order dated 07-05-2025, passed in Cr. Misc. No. 24482 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.



7. The prayer is *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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