

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46733 of 2025**

Arising Out of PS. Case No.-72 Year-2024 Thana- KHUTAUNA District- Madhubani

Pradeep Yadav @ Pradip Yadav @ Pradeep Kumar Yadav S/O Ramdev Yadav  
R/O Village- Kushmar, PS- khutauna, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

**Appearance :**

|                            |                               |
|----------------------------|-------------------------------|
| For the Petitioner/s :     | Mr. Gagan Deo Yadav, Advocate |
|                            | Mr. Vinod Kumar, Advocate     |
|                            | Mr. Rajesh Kumar, Advocate    |
|                            | Mr. Ravi Prakash, Advocate    |
| For the Opposite Party/s : | Mr. Raj Kishor Singh, APP     |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

2      17-09-2025                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks bail in connection with Khutauna P.S. Case No. 72 of 2024 dated 28.05.2024 registered for the offences punishable under Sections 8, 20(b)(ii)(c) of the N.D.P.S. Act.

3. As per the prosecution case, police raided the house of the petitioner and on search, three bags containing 42 kgs., of *Ganja* was recovered from the semi-constructed house which is situated behind the house (door) of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the



present case. The petitioner is a meritorious student and is pursuing his competitive examinations and has passed B.A. (Art) from L.N.M.U. The petitioner has also completed training programme for Entrepreneur under the Chief Minister Yuva Entrepreneur Schemes from 17.06.2022 to 01.07.2022, issued by the District Industry Centre, Government of Bihar, Madhubani and certificates issued to that effect have been annexed as Annexure-P/2 series to the present bail petition. It is further submitted that the recovery of Ganja was not made from the house of the petitioner rather the same has been recovered from the backyard of his house which was open place from all sides. Learned counsel has submitted that two prosecution witnesses out of eight witnesses have been examined by the prosecution. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 29.05.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner and has further submitted that 42 kgs., of *Ganja* was recovered from the semi-constructed house which is situated behind the door of the petitioner as per the seizure list. The said contraband is commercial quantity. Earlier the regular bail of the petitioner



has been rejected by this court vide order dated 16.12.2024 passed in Cr. Misc. No. 66341/2024.

6. As per Section 37 of the N.D.P.S. Act, the two conditions are that the Court should be satisfied with :-

(i) There are reasonable grounds for believing that the accused is not guilty of such offence; and

(ii) He is not likely to commit any offence while on bail.

7. If either of these two conditions is not satisfied, the bar operates and the accused cannot be released on bail. The Court is of the opinion that the parameters of bail available under Section 37 of the Act have not satisfied in the facts of the instant case. The Hon'ble Supreme Court in the case of ***Narcotics Control Bureau v. Mohit Aggarwal 2022 SCC OnLine SC 891*** has held that “*The length of the period of his custody or the fact that the charge-sheet has been filed and the trial has commenced are by themselves not considerations that can be treated as persuasive grounds for granting relief to the respondent under Section 37 of the N.D.P.S. Act.*”

8. Considering the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned A.P.P. for the State as well the recovery of commercial



quantity of *ganja*, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Khutauna P.S. Case No. 72 of 2024, pending in the court of learned Sessions Judge, Madhubani.

9. The application stands rejected and learned court below is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

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