

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49537 of 2025

Arising Out of PS. Case No.-27 Year-2025 Thana- KALER District- Jehanabad

1. Raju Yadav S/o Naresh Yadav Resident of Village - Khothwa, PS- Dhanha, Distt- West Champaran
2. Kishan Tiwary S/o Hariom Tiwary R/o vill - Tuniyawa, P.S.- Dhanha, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sn Singh, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 05-08-2025 Heard Mr. Shambhu SN singh, learned counsel for the petitioners and Ms. Renu Kumari, learned app for the state.

2. The petitioners seek bail in connection with NDPS Case No. 10 of 2025, arising out of Kaler P.S. Case No. 27 of 2025 instituted for the offence under Sections 8, 20(B)(ii) & 29 of the NDPS Act.

3. On 13.02.2025 at around 5:00 PM, police intercepted a *Gitanjali* bus during patrolling and recovered 8.566 kg of ganja from two passengers. The accused, Kishan Tiwari and Raju Yadav, were carrying the contraband in separate bags.

4. It has been submitted on behalf of the petitioners



that the petitioners are in custody since 14-02-2025. Petitioners bear no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. Learned counsel for the petitioners submits that nothing has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners further submits that petitioners have no concern with the recovered contraband. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners and recovery below commercial quantity, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction



of Court below/concerned Court in connection with NDPS Case No. 10 of 2025, arising out of Kaler P.S. Case No. 27 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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