

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53273 of 2025

Arising Out of PS. Case No.-234 Year-2025 Thana- RAXAUL District- East Champaran

Santosh Kumar Yadav @ Santosh Yadav S/o Suraj Prasad Yadav @ Surya Rai
R/o village- Sirisiyamal, Tola Birta Nonea, Ward no. 1, P.S. - Nakardi,
District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
 2. The Union of India through the Deptt. of Narcotics Drugs, Bihar Patna
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Yadav, Advocate
For the State	:	Mr. Rabindra Kumar, APP
For the U.O.I.	:	Mr. Ramadhar Shekhar, CGC

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 12-12-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the Union of India.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 20(B)(ii)/22 of the
N.D.P.S. Act.

3. The allegation in the first information report is
that the driver of a Tata Sumo, namely Santosh Kumar Yadav
(petitioner) was apprehended by the informant and besides
some cash and Nepali currency, 73 gram of Hasis was also
recovered from the said vehicle.

4. The learned counsel for the petitioner submits
that the petitioner was only a driver of the said vehicle which
belongs to school and is being used as independent school van



and as such, no recovery has been made from personal or conscious possession of the petitioner. It has been further submitted that mandatory provisions of search and seizure have also been violated as there is no independent witness to the seizure list and the forensic report is also not on record. It has been further submitted that in any view of the matter, the recovery is that of less than small quantity and the petitioner is in custody since 29.05.2025 and charge-sheet has been submitted.

5. Learned counsel for the Union of India opposed the grant of bail on the ground of allegations mentioned in the first information report as also that the petitioner has one criminal antecedent. In response to the same, it has been submitted by way of supplementary affidavit that the petitioner is on bail in the said case.

6. Taking into consideration the facts and circumstances and considering that the petitioner is in custody since 29.05.2025 and the charge-sheet having been submitted for offence which involves recovery of less than small quantity of contraband, let the above named petitioner, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Sessions Judge/Special Judge, East Champaran, Motihari/concerned Court below in connection with Raxaul P.S. Case No. 234 of 2025 subject to condition that:-

- (i) *One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.*
- (ii) *The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.*

(Soni Shrivastava, J)

anand/-

U		T	
---	--	---	--

