

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53785 of 2025

Arising Out of PS. Case No.-157 Year-2025 Thana- BARAULI District- Gopalganj

Rajnish Yadav S/o- Mantu Yadav Village- Devapur PS-Barauli, Dist-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Barauli P.S. Case No. 157 of 2025 registered for the offences punishable under Sections 8(c) and 21(b) of the N.D.P.S. Act.

3. As per prosecution case, 3.60 gram smack like substance was recovered from the pocket of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the FIR. He further submits that petitioner is merely a passer-by and he has falsely been implicated in the present case on account of dirty village politics. He further submits that mandatory provisions as enshrined in Section 103 and 105 of BNSS have not been followed. He further submits that the



alleged recovery of smack like substance is 3.60 gram which is less than small quantity. Petitioner is in custody since 01.06.2025 and he bears criminal antecedent of one case which is not similar to the present case. It is orally submitted that petitioner is on bail on the said case. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner by submitting that 3.60 gram smack like substance was recovered from the pocket of the petitioner and, hence, petitioner does not deserves bail.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 learned Principal Sessions Judge, Gopalganj / In charge Successor Court in connection with Barauli P.S. Case No. 157 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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