

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53595 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- NAKARDEI District- East Champaran

Babulal Yadav S/O Asharfi Yadav @ Asharfilal Yadav @ Ashrfi Ray R/O Vill.
- Virta Tola, Ward No. 1, Surisiyamal, P.S. - Nakardei, Dist.- East Champaran,
Bihar-845305

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mohd Rustam Hussain, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with NDPS
Case No.89 of 2025 arising out of Nakardei P.S. Case No.09 of
2025 registered for the offence punishable under Section 111 of
Bharatiya Naya Sanhita (BNS) and under Sections 8(C), 21(b)
and 29 of the NDPS Act, 1985.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent.

4. As per the prosecution case, total 38 grams of



brown sugar was recovered from the possession of the Lalita Devi, 12 gram of brown sugar was recovered from the co-accused Radheshyam Yadav and 44 grams of brown sugar was recovered from the tool-box of the motorcycle.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that although the petitioner is named in the FIR, but his name has figured on the basis of statement made by co-accused Lalita Devi and Radheshyam Yadav. He further submits that both these co-accused persons from whose possession the recovery of brown sugar has taken place have already been granted bail by order dated 21.03.2025 passed in Cr. Misc. No.13950 of 2025 and by order dated 16.04.2025 passed in Cr. Misc. No.16863 of 2025. He, therefore, submits that on the ground of parity the petitioner should also be granted bail.

6. On the other hand, learned APP appearing for the State opposes the prayer for regular bail of the petitioner.

7. Considering the fact that no recovery has been done from the conscious physical possession of the petitioner and that the petitioner's name has come in the FIR on the statement of the co-accused persons namely Lalita Devi and Radheshyam Yadav who have already been granted bail by a co-ordinate



Bench of this Court and also given the fact that the petitioner has no criminal antecedent, considering all these aspects the petitioner is directed to be enlarged on bail.

8. The petitioner above named, is directed to 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 court below where the case is pending/successor court in connection with NDPS Case No.89 of 2025 arising out of Nakardei P.S. Case No.09 of 2025 subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates without substantial reason or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal



antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Accordingly, the prayer for bail is allowed.

(Alok Kumar Sinha, J)

Prakash Narayan

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

