

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65927 of 2025

Arising Out of PS. Case No.-106 Year-2025 Thana- KATIHAR NAGAR District- Katihar

Shankar Yadav @ Golu S/o Vyanjan Prasad Yadav @ Vyanjan Kumar Yadav
R/o Village - Khudna, P.S - Katihar Nagar, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Katihar
Nagar PS Case No. 106 of 2025 instituted for the offences under
Sections 8(c), 21(b) & 22(b) of the NDPS Act.

3. Prosecution case, in brief, is that on 02.02.2025 at
about 8 PM, on secret information, police intercepted an e-
rickshaw near D.S. College, where petitioner tried to flee away
and fired on the police but was apprehended. On search, one
country-made pistol, one automatic pistol with magazine and
cartridges were recovered. Further, 123.44 gm of smack/brown
sugar and Rs.1010/- cash were seized from his possession.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Charge-sheet been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner has no concern either with the recovered contraband or with the recovered arms and the same is planted by the police party. 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. The petitioner is in custody since 03-02-2025 and has got nine (9) criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, recovery below commercial quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court



in connection with Katihar Nagar PS Case No. 106 of 2025,
subject to the following conditions:

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

(II) The petitioner 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 petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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