

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.916 of 2025**

Arising Out of PS. Case No.-243 Year-2024 Thana- SIDHWALIYA District- Gopalganj

Nilesh Kumar Yadav @ Nilesh Kr S/o Sri Ashok Kr. @ Ashok Kr. Yadav R/o  
vill - Mahammadpur, P.S. - Bajpatti, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dharmveer, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY**  
**ORAL ORDER**

7      16-06-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Sidhwaliya P.S. Case No. 243 of 2024 registered for the offences under Sections 8(c)/20(b)(ii)(B) of the N.D.P.S Act.

3. The prosecution case is to the effect that the patrolling party got a secret information that one passenger is carrying ‘Ganja’ concealed in a bag. On such information the police intercepted a bus and on seeing the police, a boy was found fleeing from the place of occurrence, however, he was chased and apprehended who disclosed his name as Nilesh Kumar Yadav (petitioner). On search a total of 5.185 Kg of ‘Ganja’ was recovered from a bag which was kept above the seat of the petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and no incriminating material has been recovered from the conscious possession of the petitioner. It has further been submitted that the recovery was made from the cabin above the seat of the petitioner and thus it cannot be attributed to the petitioner. It has also been submitted that till date the FSL report has not been brought on record and the charge sheet has already been submitted. It has lastly been submitted that though the petitioner has four criminal cases, he is in custody since 30.08.2024

5. The learned Additional Public Prosecutor for the State has opposed the prayer for bail.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody, let the petitioner, above named, be enlarged 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 Principal Sessions Judge, Gopalganj in connection Sidhwaliya P.S. Case No. 243 of 2024 subject to the conditions that

- a. One of the bailors of the petitioner shall be his close relative.



- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.
- d. And further condition that the 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 bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Sourendra Pandey, J)**

Prakash/-

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