

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2026 of 2025

Arising Out of PS. Case No.-145 Year-2024 Thana- Bhawanipur District- Bhagalpur

Brajesh Kumar Yadav S/O Wakil Prasad Yadav R/M - Baisa, P.S- Mariya,
District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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

ORAL ORDER

2 23-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bhawanipur P.S. Case No. 145 of 2024, instituted for the
offences punishable under Sections 8 and 20(b)(ii) of the NDPS
Act.

3. Prosecution allegation, in short, is that there is
recovery of 2 Kg *ganja* from the bag of co-accused Rakesh
Yadav who was riding with the petitioner as a pillion rider.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for



the petitioner further submits that the petitioner has got no concern with the alleged recovery of *ganja*. The petitioner gave lift to the co-accused namely, Rakesh Yadav as he is a co-villager. 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 07.10.2024 and has got no criminal antecedent. 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, the recovered contraband being below the 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 on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bhawanipur P.S. Case No. 145 of 2024.

(Rudra Prakash Mishra, J)

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