

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89693 of 2024

Arising out of PS. Case No.-81 Year-2024 Thana- KUNALI District- Supaul

Niraj Kumar Yadav, Son of Satendra Yadav @ Satyendra Yadav, Resident of
Village - Aranama Wad No.01, P.O. - Narindarpur, P.S. - Andharamath,
District - Madhubani. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 15-04-2025 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. 66 of 2024 arising out of Kunauli P.S. Case No. 81 of
2024 instituted for the offences under Sections 21(C), 22(C), 25
and 29 of the Narcotics Drugs and Psychotropic Substance Act.

3. The prosecution case is that on secret information a
commercial tempo was intercepted and on search a sack kept on
the back seat of the tempo was recovered and certain contraband
medicines were recovered from the same which were in
commercial quantity. It has been further alleged that driver of
the tempo was arrested who had disclosed his name as Niraj
Kumar Yadav (Petitioner).

4. It is submitted by learned counsel for the petitioner
that the petitioner is the driver of the tempo which is a



commercial vehicle and was being used to ferry people. It is further submitted that from bare perusal of the FIR it is clear that nothing has been recovered from the possession of the petitioner rather the consignment was kept on the back seat of the tempo which also shows that the same was not being hidden and the petitioner was unaware of the contents kept in the sack. It is also submitted that petitioner has given statement which has come in paragraph 20 of the case diary that he had been paid Rs. 500/- from one Arvind Yadav to deliver the said goods to one Ravindra Das of Kunauli and he was not aware of the contents kept in the consignment. It is lastly submitted that the petitioner has clean antecedent and is in custody since 07.08.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that the petitioner was apprehended by the police and contraband medicines were recovered from the tempo which was being driven by the petitioner.

6. Considering the aforesaid submissions of respective counsels, it is evident that the consignment was not kept hidden in the tempo and the same was kept on back seat of the vehicle and the petitioner being the driver of the tempo was unaware of the contents therein and the fact that the petitioner



has clean antecedent and is in custody since 07.08.2024, 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 Sessions Judge-cum-Special Judge, NDPS, Supaul in connection with NDPS Case No. 66 of 2024 arising out of Kunauli P.S. Case No. 81 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(Sourendra Pandey, J)

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