

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52 of 2025

Arising Out of PS. Case No.-195 Year-2024 Thana- GAMAHARIYA District- Madhepura

Naresh Kumar Yadav @ Naresh Yadav, S/O Jagdish Yadav, Resident Of
Village- Chaughara, Ward No. 07, PS- Supaul, District- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Nath Yadav, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Gamharia P.S. Case No. 195 of 2024, registered on 30.09.2024 for the alleged offences under Sections 8(c)/21(b)/22 of NDPS Act.

3. As per prosecution case, police received secret information about some youths receiving smack at the shop of the petitioner. A raid was conducted and 4-5 youths tried to flee away from the spot. Five persons were apprehended including this petitioner and one co-accused Brajesh Kumar fled away from the spot seeing the police party. On search of the shop, one digital scale and 100 grams of smack were recovered. One lighter, steel paper, a steel paper pipe and cash of Rs.1,17,500/-



were also recovered from the shop of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioner had taken the shop on rent in the year 2011 and the place where recovery has been shown has been in possession of the shop owner. But the money seized from the shop is that of petitioner who has kept the money for purchasing the raw material in order to make the trunk, box and cupboard. The learned counsel further submits that after preparing the seizure list, the petitioner was not assigned the copy of the same. Merely intermediate quantity of smack was recovered from the gallery behind the shop. The petitioner is in custody since 30.09.2024 and charge sheet has been submitted. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is actively involved in sale of smack and this fact gets corroborated by the recovery of his digital scale and money from the shop of the petitioner.

6. Having regard to the nature of recovery, I am not inclined to enlarge the petitioner on bail at this stage.



7. Accordingly, his prayer for grant of bail is rejected.

(Arun Kumar Jha, J)

V.K.Pandey/-

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