

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5371 of 2026

Arising Out of PS. Case No.-1006 Year-2025 Thana- Excise P.S. District- Aurangabad

Purendra Yadav @ Purendar Yadav Son of Suna Yadav Resident of Village -
Betra, P.O. - Regle, P.S. - Bagicha, District - Jaspur, Chhatisgarh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-01-2026 Heard Mr. Shyamal Prakash, learned counsel for the
petitioner and Mr. Nagendra Prasad, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
21.09.2025 in connection with Excise Sadar Aurangabad P.S.
Case No. 1006 of 2025, F.I.R. dated 21.09.2025 registered for
the offence punishable under Sections 20(b), 22 of N.D.P.S. Act.

3. Recovery is of 08.192 Kgs of Ganja.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. It appears from
the FIR that nothing has been recovered from conscious
possession of the petitioner rather the recovery has been made
from the Bus in question and the petitioner has been made
accused in the present case merely on the ground that he is
Cleaner of the Bus in question and apart from the aforesaid,



there is non-compliance of the mandatory provisions of the NDPS Act and the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S.Act for grant of bail to the petitioner. The police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 21.09.2025.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, recovered contraband is less than the commercial quantity and there is non-compliance of the mandatory provisions of the NDPS Act, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Addl. Sessions Judge-1st -cum-Special Judge (SC/ST, Children and NDPS Act) Aurangabad (Bihar) in connection with Excise Sadar Aurangabad P.S. Case No. 1006 of 2025, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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.

(Rajesh Kumar Verma, J)

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