

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5197 of 2026

Arising Out of PS. Case No.-181 Year-2025 Thana- ANDHRAMATH District- Madhubani

Rupesh Kumar Yadav @ Rupesh Yadav Son of Ashok Yadav @ Ashok Kumar Yadav @ Ashik Yadav Resident of Village- Rajviraj Ward No. 2 (wrongly mentioned in F.I.R. Ward No.5), P.S.- Rajviraj, District- Saptari (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-01-2026 Heard Mr.Sanjay Kumar Jha, learned counsel for the petitioner and Mr.Anil Prasad Singh, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 24.11.2025 in connection with Andhramath P.S. Case No. 181 of 2025, F.I.R. dated 23.11.2025 registered for the offence punishable under Sections 8(C),20(b)ii(B),25A of N.D.P.S.Act.

3. Recovery is of 06 Kgs of Ganja.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that it appears from the FIR that altogether 06 Kgs of



Ganja has been recovered from possession of the petitioner. Further submits that there is non-compliance of the mandatory provisions of the NDPS Act and the recovered contraband is less than the commercial quantity but more than the small quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner and the petitioner is in custody since 24.11.2025.

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, 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 Principal Sessions Judge, Madhubani in connection with Andhramath P.S. Case No. 181 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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