

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11799 of 2026

Arising Out of PS. Case No.-2 Year-2024 Thana- GAYA COMPLAINT CASE District- Gaya

Kamdev Yadav @ Kamadev Yadav @ Shri Kamdev Yadav S/o- Late Gaman
Yadav R/v- Manibigha (Jirimanibigha), Ps- Atri, Dist-Gaya ji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 26-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 02 of 2024 instituted for the offences punishable under Sections 27(b)(ii) and 28 of the Drugs and Cosmetic Act, 1940.

3. As per the complaint, the allegation against the petitioner is that he was running an unlicensed shop and was selling drugs from the premise.

4. Learned counsel for the petitioner submits that the allegation levelled in the complaint is palpably false and, in fact, the petitioner has no concern with the said premise. It has further been submitted that the petitioner is neither the proprietor nor the owner of the said premise and it belongs to



one Brijmohan Prasad and therefore, no offence under Sections 18(A) or 18(c) of the Drugs and Cosmetic Act is made out. It has also been submitted that the petitioner was not apprehended and was not found keeping any such drugs and, therefore, the allegations under Sections 27(b)(ii) and 28 of the Drugs and Cosmetic Act are not made out. It has lastly been submitted that the petitioner has clean antecedent.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the facts aforesaid, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Spl. Judge (D&C Act)-cum-Additional Sessions Judge-I, Gayaji in connection with Complaint Case No. 02 of 2024, subject to the conditions as laid down under Section 482 of the BNSS and subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner and the other shall be a local resident:

(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 bonds of the petitioner will liable to be cancelled by the Court concerned;

(iv) 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 bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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