

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13670 of 2026

Arising Out of PS. Case No.-212 Year-2024 Thana- FULKAHA District- Araria

Ajay Kumar Yadav @ Ajay Yadav S/O Babunand Yadav @ Babunandan
Yadav @ Babunnd Yadav R/O Village- Laxmipur, Ward No.11, P.S- Fulkaha,
Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 25-02-2026 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with Fulkaha
P.S. Case No. 212 of 2024, instituted for the offences punishable
under Sections 8, 20(b)(ii)(B) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 12.6 Kg of Ganja from the possession of the co-
accused Raj Kumar Paswan.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No
incriminating material has been recovered from the conscious
possession of the petitioner rather the recovery has been made



from the co-accused Raj Kumar Paswan. Learned counsel for the petitioner further submits that the petitioner has got no concern with the alleged recovery of *Ganja*. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 24.12.2025 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Fulkaha P.S. Case No. 212 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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