

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19374 of 2025

Arising Out of PS. Case No.-349 Year-2024 Thana- DARAUNDA District- Siwan

Chhotelal Yadav S/o- Yamuna Rai Village- Rasulpur Chakari Takipur
PS- Daraundha District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Advocate
Mr.Pranav Bhaskar, Advocate
Mr.Anubhav Vatsa, Advocate
Mr.Sumit Kumar, Advocate
Ms.Ritika Kumari, Advocate
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 19-01-2026 Heard learned counsel for the petitioner and learned

APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Daraundha P.S. Case No. 349 of 2024 registered for the offences punishable under Sections 8, 20(b)/(ii)/(c)/25 of the Narcotic Drugs and Psychotropic Substances Act.

3. As per FIR, name of the petitioner was disclosed by apprehended co-accused namely, Ravi Kumar Rai, who was found in possession of 20.5 Kg. Ganja.

4. Learned counsel appearing on behalf of the petitioner submitted that save and except suspicion arising



out of disclosure made by apprehended co-accused, nothing incriminating appears against this petitioner.

5. It is submitted that petitioner also not connected in any manner with the vehicle in question from where the alleged contraband was recovered. It is pointed out that due to land dispute name of the petitioner disclosed by the apprehended co-accused Ravi Kumar Rai.

6. It is submitted that police, after investigation, submitted charge-sheet *qua* apprehended co-accused and, therefore, there is nothing further to investigate in this matter as almost on all aspects, investigation of this case appears concluded and, therefore, any further custodial interrogation of this petitioner is not required.

7. Arguing further, it is submitted that during investigation nothing appears corroborated to the extent which may confirm the disclosure statement of apprehended co-accused *prima-facie* as to suggest that petitioner was under mental culpability *qua* possession of contraband, in view of section 35 of the N.D.P.S. Act and, in absence of same, import of section 37 of the N.D.P.S. Act is not



convincing in this case.

8. Explaining criminal antecedent, it is pointed out that petitioner was found involved in one petty offence i.e. excise, in which he is on bail, except one case, petitioner is not the accused in any other case.

9. Learned counsel also relied upon the order of Hon'ble Supreme Court as passed in the matter of **Radhe Mahto @ Aditya Kumar Vs. State of Bihar through SLP (Cri.) No. 9509 of 2025.**

10. Learned A.P.P. for the State, while opposing the prayer of anticipatory bail of the petitioner, submitted that name of petitioner was disclosed by apprehended co-accused Ravi Kumar Rai.

11. In view of aforesaid factual submission and by taking note of the fact as *prima-facie* save and except suspicion arising out of disclosure made by apprehended co-accused, nothing incriminating appears against the petitioner, where almost in all respect the investigation of this case appears completed, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks



from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Principal Sessions Judge, Siwan/concerned court in connection with Daraundha P.S. Case No. 349 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”), and further condition:

- (I) That petitioner shall not indulge in any similar nature of offence till conclusion of trial and, shall cooperate in investigation, if any.
- (II) That petitioner shall not made any attempt to delay trial, failing so, the State/informant shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner, which shall be decided by trial court itself after giving opportunity of hearing to the petitioner.

(Chandra Shekhar Jha, J)

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