

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13359 of 2026

Arising Out of PS. Case No.-304 Year-2025 Thana- MOTIPUR District- Muzaffarpur

Indradev Yadav Son of Late Vishwanath Yadav Resident of Village- Patahara,
P.S.- Yadopur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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

ORAL ORDER

6 14-07-2026 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Motipur
P.S. Case No. 304 of 2025, instituted for the offences punishable
under Sections 317(5) of the Bharatiya Nyaya Sanhita, 2023,
read with Sections 8 and 20(b)(ii)(c) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 21 Kg of Ganja from a car and the petitioner along
with co-accused persons were arrested on spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for
the petitioner next submits that the alleged recovery of Ganja



has been made from the car and the petitioner has got no concern with the alleged recovery. The petitioner is in custody since 22.08.2025 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that one of the co-accused has been granted regular bail by a co-ordinate Bench of this Court vide order dated 28.01.2026 passed in Cr. Misc. No. 3357 of 2026.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected.

(Rudra Prakash Mishra, J)

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