

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16755 of 2026

Arising Out of PS. Case No.-858 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

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Bhuteli Yadav Son of Bhagrasan Sah R/O village - Bagha, P.S.- Yadopur,
District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Adesh Raj Singh , Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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

ORAL ORDER

2 13-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Gopalganj P.S. Case No. 858 of 2024 instituted for the
offences under Sections 8(c), 21(a) of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 3.400
kilogram of *ganja* has been recovered in this case.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner has no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. No
incriminating material has been recovered from the conscious
possession of the petitioner. The recovered contraband is below



commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 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, in my view, this is not a fit case for anticipatory bail, and hence, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the prayer for grant of anticipatory bail to the petitioner is, hereby, rejected.

8. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be disposed of on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

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