

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21451 of 2026

Arising Out of PS. Case No.-39 Year-2025 Thana- HULASGANJ District- Jehanabad

Bachan Yadav @ Ram Bachan Yadav S/o- Bishundeo Yadav R/v- Rupabigha
Ps- Hulasganj Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2026 Heard Mr.Uday Kumar, learned counsel for the
petitioner and Mr.Sanjay Kumar Tiwary, learned A.P.P. for the
State.

2. The petitioner seeks bail, who is in custody since
31.01.2026 in connection with NDPS Case No. 25 of 2025
arising out of Hulasganj P.S.Case No.39 of 2025, F.I.R. dated
09.02.2025 registered for the offence punishable under Sections
Sections 20,22 of N.D.P.S.Act.

3. There is allegation of recovery of about 10 green
plants of Ganja about 12 Kg from the Bari of co-accused person,
namely, Ram Udit Yadav where one green plant of Ganja about
11.3 Kg was recovered from the door of the petitioner.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. The allegation
as alleged in the FIR is false and fabricated and the petitioner



has not committed any offence as alleged in the FIR. It appears from the FIR that altogether 19 plants of Ganja was recovered from the place of occurrence and from the door of the petitioner total 11.3 Kg of Ganja has been recovered. Learned counsel for the petitioner submits that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner, apart from that there is non-compliance of Sections 103 and 105 of BNSS, 2023 and similarly situated co-accused person, namely, Fekan Yadav has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 12.01.2026 passed in Cr. Misc. No.87502 of 2025 and the petitioner is in custody since 31.01.2026.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, recovered contraband is less than the commercial quantity and similarly situated co-accused person, namely, Fekan Yadav has been granted bail by a Coordinate Bench of this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions



Judge, Jehanabad or its Successor Court in connection with NDPS Case No. 25 of 2025 arising out of Hulasganj P.S. Case No.39 of 2025, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that 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 bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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