

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30363 of 2026**

Arising Out of PS. Case No.-34 Year-2026 Thana- KONCH District- Gaya

Shivnandan Yadav @ Shyam Nandan Yadav S/o Late Ramjatan Yadav R/o  
Village - Garari Mathiya, PS - Konch, Dist. - Gayaji.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      13-05-2026                      Heard Mr. Sudhir Kumar Sinha, learned counsel  
  
appearing on behalf of the petitioner and Ms.Pushpa Sinha.1,  
  
learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection  
with Konch P.S. Case No. 34/2026 registered under Sections  
179, 3(5) of BNS and Sections 8(c), 20(a)(i) and 29 of NDPS  
Act.

3. As per the allegation made in the FIR, 15–20 green  
ganja plants were recovered from an abandoned house allegedly  
belonging to the petitioner.

4. Learned counsel appearing on behalf of the  
petitioner submitted that the petitioner is innocent and has been  
falsely implicated in the present case. It is further submitted that  
although a seizure list was prepared, no determination was made



regarding the total quantity of ganja allegedly recovered. Moreover, the possibility that the plants had grown naturally cannot be ruled out. Learned counsel also submitted that the petitioner has a clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties and upon perusal of the allegations made in the FIR, this Court finds that no determination has been made with regard to the total quantity of ganja allegedly recovered, and the possibility of the plants having grown naturally cannot, at this stage, be ruled out. Petitioner has clean antecedent. I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on anticipatory bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, 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 - cum-Spl. Judge NDPS Act, Gayaji in connection with Konch P.S. Case No.34 of 2026,



subject to the condition as laid down under Section 482 of the  
BNSS/438(2) of the Cr.P.C.

**8. The learned District Court is directed to verify  
the criminal antecedent of the petitioner, as stated in  
paragraph no. 3 of the bail application. If any other case is  
pending against the petitioner, as what has been stated in  
paragraph no. 3, this order will lose its force automatically.**

**(Purnendu Singh, J)**

Sanjay/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

