

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37150 of 2026

Arising Out of PS. Case No.-482 Year-2020 Thana- BARACHATTI District- Gaya

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Vinesh Yadav @ Dinesh Yadav @ Binesh Yadav @ Late Vipat Yadav
Resident of Village - Kahudag, P.S.- Barachatti, District - Gayaji

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Narcotic Commissioner, New Delhi Delhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 15-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Barachatti P.S. Case No. 482 of 2020 registered for the offence punishable under Sections 18 and 20 of the N.D.P.S. Act which was earlier rejected by learned Co-ordinate Bench of this Court vide order dated 04.10.2024 passed in Cr. Misc. No. 74933 of 2023 with an observation that the trial Court is directed to ensure that the witnesses are examined and the case stands concluded. In case the trial is not concluded within a period of nine months from today, it would be open for the petitioner to approach the trial Court for grant of bail and in the event of the trial Court



rejecting such prayer, it would be under an obligation to record the reasons for the tardy progress of the trial.

3. The case of the prosecution, in short, is that altogether 75 Kgs. of Doda powder and 1 Kg. of Ganja are said to have been recovered from the house of this petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner has approached the learned trial Court and learned trial Court has rejected his bail vide order dated 09.04.2026. It is apparent from the order of the learned trial Court that till today only informant and I.O. have been examined and only seizure list witnesses are to be examined. It has further been submitted that nothing has been recovered from the possession of this petitioner. The witnesses of seizure list are police personnel. Petitioner is having no criminal antecedent and he is languishing in judicial custody since 14.05.2023.

5. The application for bail is vehemently opposed by learned APP for the State.

6. In the case of **Rabi Prakash Vs. the State of Odisha**, Hon'ble Supreme Court has held that the prolonged incarceration generally militate against the most precious fundamental right guaranteed under Article 21 of the Constitution of India and in such situation, the conditional



liberty must override the statutory embargo created under Section 37 sub-clause 1(b) of the NDPS Act. The charge-sheet filed without *FSL* report does not *ipso facto* creates any embargo against the fundamental right of a citizen enshrined in Article 21 of the Indian Constitution.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period of the petitioner, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-1st, Sherghati, Gayaji in connection with Barachatti P.S. Case No. 482 of 2020.

(Ashok Kumar Pandey, J)

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