

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35997 of 2026

Arising Out of PS. Case No.-23 Year-2026 Thana- NARPATGANJ District- Araria

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Amit Kumar @ Bauwa Yadav @ Amit Yadav S/o Binod Kumar Yadav R/o
Village - Khaira Ward No. 11, P.S. - Narpatganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Manisha Khushi, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-06-2026 The Court proceeding is being conducted through
virtual mode.

2. Heard learned counsel for the petitioner and learned
APP for the State.

3. The present criminal miscellaneous application has
been filed under Section 482 of the Bharatiya Nagarik Suraksha
Sanhita, 2023 (hereinafter referred to as the "BNSS") for grant
of anticipatory bail to the petitioner, who apprehends his arrest
in connection with Narpatganj P.S. Case No. 23 of 2026 lodged
20.01.2026, for the offences punishable under sections
8(c)/21(b) of the NDPS Act, pending in the court of learned
Principal District and Sessions Judge, Araria.

4. As per the prosecution, total recovery of 67.46
grams of smack and other articles have been recovered from the



house of the petitioner which is the subject matter of the present case.

5. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that antecedent of the petitioner is clean. Counsel submits that the recovery has been made from the possession of mother of the petitioner and petitioner has not been apprehended from the place of occurrence. He submits that no recovery has been made from the conscious position of the petitioner. Counsel submits that petitioner is student whose antecedent is clean and he has been unnecessarily dragged in this present case.

6. Learned APP for the State, on the other hand, opposes the prayer for bail of the petitioner and submits that from the allegation in the FIR that petitioner was selling the smack commercially and used to keep this smack in the Bhusha Ghar of his house. Counsel submits that the quantity of smack recovered is 67.46 grams, the small quantity is 5 gm only, which is much more than the small quantity. Counsel for state fairly submits that it is true that antecedent of the petitioner is clean and that aspect may be taken into consideration.

7. After hearing the parties, it transpires to this Court that the defence has been made that petitioner is a student, but



there is not a single document by which it could be ascertained to this Court that he is a student.

8. In the light of the allegation that recovery of much more of small quantity has been made and he used to sell this smack, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail of the petitioner is hereby refused.

(Dr. Anshuman, J)

Mkr./Bipin/-

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