IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59485 of 2026

CNR No. BRHC010860222026

Arising Out of PS. Case No.-221 Year-2026 Thana- DARBHANGA SADAR District- Darbhanga

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Nandu Yadav S/o Asharfi Prasad Yadav Resident of Mohalla- Senapath, Police Station- Town, District- Darbhanga.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pratik, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

5 27-10-2026 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. appearing on behalf of the State.

2. Petitioner is in custody in connection with Sadar P.S. Case No. 221 of 2026, registered for the offence punishable under Sections 8(c), 21(c), 29 and 35 of the NDPS Act, 1985.

3. As per the allegations made in the FIR, upon receiving secret information that two boys riding a red TVS motorcycle were carrying narcotic drugs and coming towards Gumti No. 32, the informant reached the spot and began checking vehicles. He then saw two persons coming on a red motorcycle, carrying a bag between them When the informant

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signalled them to stop, they attempted to flee but were ultimately apprehended with the assistance of the police along with the motorcycle. The driver disclosed his name as Amit Kumar, while the pillion rider disclosed his name as Nandu Yadav (petitioner). Upon opening and searching the bag placed between the two apprehended persons, the police allegedly recovered 29 boxes of Pyeevon Spas Plus Capsules (blue in colour, Batch No. QYECL046), each box containing 10 strips, with 24 capsules in each strip, amounting to a total of 6,960 capsules (29 × 10 × 24). In addition to the aforesaid recovery, two mobile phones were also allegedly recovered from their possession.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has been falsely implicated in the present case merely on the basis of suspicion and no incriminating material has been recovered from his conscious possession. It is further submitted that the petitioner was merely the pillion rider and that the motorcycle belongs to the co-accused, Amit Kumar. The petitioner has been in custody since 01.07.2026. Although the petitioner has two criminal antecedents, the cases are not of a similar nature. On these grounds, learned counsel for the petitioner prays that the

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petitioner be enlarged on regular bail.

5. Learned A.P.P., appearing on behalf of the State, vehemently opposes the prayer for bail and submits that the petitioner was travelling as a pillion rider on motorcycle from which upon search, 29 boxes of Pyeevon Spas Plus Capsules (blue in colour, Batch No. QYECL046), each box containing 10 strips with 24 capsules in each strip, amounting to a total of 6,960 capsules (29 × 10 × 24), were allegedly recovered from a bag kept between the petitioner and the co-accused who was driving the motorcycle. Learned A.P.P. further submits that the said capsules contain an intoxicating substance and were being transported without any valid licence. It is further submitted that, following the recovery of the alleged contraband, a seizure list was prepared on 30.06.2026, which was signed by both the arrested persons, namely, the petitioner and the co-accused. Learned A.P.P. further submits that each capsule contains 50 mg of Tramadol and accordingly, the total quantity of Tramadol in the 6,960 recovered capsules amounts to 348,000 mg, which exceeds the prescribed commercial quantity. It is also submitted that the Drug Inspector furnished the relevant information along with Form-17, stating that each capsule contains 50 mg of Tramadol, 325 mg Acetaminophen and 10 mg of Dicyclomine

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and that the recovered substance falls within the purview of the NDPS Act. Learned A.P.P. further submits that the petitioner has two criminal antecedents, although the State fairly concedes that the said cases are not of a similar nature. On these grounds, learned A.P.P. submits that the petitioner does not deserve the privilege of regular bail.

6. Heard learned counsel for the parties and perused the record including the counter-affidavit filed on behalf of the Superintendent of Police, Darbhanga. Also from the facts aforesaid it is evident from the record that a commercial quantity of the alleged contraband was recovered from the motorcycle on which the petitioner was travelling as a pillion rider. The alleged contraband was kept in a bag placed between the petitioner and the co-accused who was driving the motorcycle.

7. Considering the fact that the petitioner has two criminal antecedents and quantity of the alleged contraband recovered exceeds the prescribed commercial quantity and the seriousness of the alleged offence, this Court is not inclined to enlarge the petitioner on regular bail.

8. Accordingly, the prayer for regular bail is rejected.

(Girijish Kumar, J)

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