

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75109 of 2025

Arising Out of PS. Case No.-324 Year-2024 Thana- GUTHANI District- Siwan

Rahul Yadav S/O Vishwanath Yadav Resident of Village- Aranda Tola M.H. Nagar, P.S- M. H. Nagar (Hussainganj), Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 04-02-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with NDPS Trial No. 19 of 2025, Guthani P.S. Case No. 324 of 2024 instituted for the offences under Sections 317(5), 3(5) of the Bharatiya Nyaya Sanhita, Sections 25(1-b)a, 26, 35 of the Arms Act and Sections 8(c), 21(a) of the N.D.P.S. Act.

3. Prosecution case, in short, is that on 20.11.2024, during a police raid and vehicle checking near B.S.S. Academy, two persons including the petitioner Rahul Yadav were apprehended after their motorcycle slipped while trying to flee, and from their possession illegal arms, live cartridges, 34 grams of smack (heroin), mobile phones and a motorcycle were



recovered.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Petitioner is in custody since 22.11.2024 and has two criminal antecedents. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovery. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, recovered contraband being less than the commercial quantity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with NDPS Trial No. 19 of 2025, Guthani P.S. Case No. 324 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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