IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74565 of 2026

CNR No. BRHC011040952026

Arising Out of PS. Case No.-131 Year-2025 Thana- KUNAULI District- Supaul

==========

Bindeshwar Yadav @ Vindeshwar Dahiyar @ Dahiyar Yadav Son of Late Kadamlal Yadav Resident of Village - Dharahara Palar Daparkha, P.S.- Kunauli, District - Supaul

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Abhishek Bharti, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

==========

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 27-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in N.D.P.S Case No. 136 of 2025 (CIS-NDPS-74/2026) arising out of Kunauli P.S. Case No. 131 of 2025 instituted for the offences under Sections 8 and 20(b)(ii)(C) of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that there is a recovery of 192 kg Ganja from sack.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is in custody since 10.04.2026 and has got one criminal antecedent. No incriminating material has

WEB COPY

been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of contraband. It is further submitted that although 192 kg Ganja has been recovered but the same has been recovered from the possession of co-accused and not from conscious possession of the petitioner. It is next submitted that the name of the petitioner has transpired on the confessional statement of co-accused, namely, Aamod Kumar. Charge-sheet has been submitted in this 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 and submits that the recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S Act.

6. Considering the aforesaid facts and circumstances of the case, recovery not made from the conscious possession of the petitioner and 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, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court

WEB COPY

in connection with N.D.P.S Case No. 136 of 2025 (CIS-NDPS-74/2026) arising out of Kunauli P.S. Case No. 131 of 2025, 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)

sukriti/-

U		T	

WEB COPY