

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71369 of 2025**

Arising Out of PS. Case No.-50 Year-2025 Thana- JAIPUR District- Banka

Shambhu Yadav @ Shambhu Prasad Yadav S/o Bhagwandeo Yadav R/o  
Village - Bansani Ward no. 8, P.S - Bhawanathpur, District - Garhwa  
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate  
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

3      09-02-2026                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner apprehends his arrest in connection  
with Jaipur P.S. Case No. 50 of 2025 instituted for the offences  
under Sections 21(c), 22(c), 25 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 2000 litres of  
codeine containing cough syrup has been recovered in this case.

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 has no  
criminal antecedent. 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 as also nature and gravity of offence, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the prayer for grant of anticipatory bail to the petitioner is, hereby, rejected.

8. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be disposed of on its own merit without being prejudiced by this order.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

