

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.88626 of 2025**

Arising Out of PS. Case No.-324 Year-2024 Thana- DESARI District- Vaishali

Rajendra Yadav Son of Late Satram Yadav @ Sant Ram Pure Bhikhari Singh  
Resident of village- Samseriya PS -Musafir Distt -Amethi UP

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

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

ORAL ORDER

4      11-03-2026                      Heard learned counsel for the petitioner and learned  
APP for the State.

2.      The petitioner seeks bail in connection with Desari  
(Chandpura O.P.) P.S. Case No. 324 of 2024 instituted for the  
offence under Sections 317(5) of the Bharatiya Nyaya Sanhita,  
2023 and Section 30(a) of the Bihar Prohibition and Excise Act.

3. Earlier vide order dated 05.05.2025 passed in Cr.  
Misc. No. 89537 of 2024, regular bail of the petitioner was  
rejected by this Court considering the nature of accusation as  
well as recovery of huge quantity of powdered hemp.

4. Learned counsel for the petitioner submits that the  
present one is the second attempt for grant of regular bail to the  
petitioner. It is mainly submitted that charge in this case charge



has been framed on 23.08.2025 and only two witnesses have been examined out of five charge-sheeted witnesses which is evident from the report sent by the learned court below. It has been submitted on behalf of the petitioner that the petitioner is in custody since 20.09.2024. Learned counsel further submits that there is no likelihood of the trial being concluded in the near future. Learned counsel goes on to submit that the continued incarceration of the petitioner without conclusion of trial amounts to a gross violation of the fundamental right guaranteed under Article 21 of the Constitution of India, which is reiterated by Hon'ble Apex Court in plethora of judgments. The co-accused persons have already been granted bail by this Court vide order dated 22.09.2025 passed in Cr. Misc. No. 55636 of 2025 and Cr. Misc. No. 55702 of 2025.

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, period of custody of the petitioner and taking into account the fact that continued detention of the petitioner would serve no purpose other than punitive pretrial incarceration, which is antithetical to the spirit of Article 21 of the Constitution of India, 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 Desari (Chandpura O.P.) 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)**

Alok Verma/-

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