

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86062 of 2025

Arising Out of PS. Case No.-83 Year-2025 Thana- KURSAILA District- Katihar

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Bipin Yadav Son of Late Hari Yadav @ Harilal Yadav Resident of Village-
Madheli, P.S.- Kursela, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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

ORAL ORDER

3 20-02-2026 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Kursela
P.S. Case No. 83 of 2025, instituted for the offences punishable
under Sections 191(2), 191(3), 190, 109, 61(2) of the Bharatiya
Nyaya Sanhita, 2023, read with Sections 25(1-B)(a), 26, 27, 35
of the Arms Act, Sections 8, 20(b)(ii)(b) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of two country made pistols and 6.8 Kg of Ganja from
the bank of river.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No



incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submitted that the petitioner has been remanded in this case on the basis of self-confession made before the police in Kursela P.S. Case No. 19 of 2025 and the same has got no evidentiary value. It is further submitted that the petitioner has got no concern either with the alleged recovery of arms or Ganja. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 21.04.2025 and has got thirteen criminal antecedents. 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, the recovered contraband being below the commercial quantity 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/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned



Court in connection with Kursela P.S. Case No. 83 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 and shall not remain absent on two consecutive
dates without sufficient cause.

(III) The petitioner will not tamper with the evidence
or the witnesses during the trial.

(IV) Petitioner shall not commit offence of similar
nature in future.

(V) The petitioner shall not leave the territorial
jurisdiction of the learned Court below without taking prior
permission of the Court concerned.

If any of the above conditions are violated, the Trial
Court shall be at liberty to cancel the bail bonds of the
petitioner.

(Rudra Prakash Mishra, J)

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