

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88472 of 2025

Arising Out of PS. Case No.-452 Year-2025 Thana- KOTWALI District- Patna

Wakil Yadav S/o Ram Laddu Yadav @ Late Laddu Yadav R/O- Bharatpura
Pansari, P.S.- Dulhin Bajar, District - Patna At present - R/o - New Market
Tempo Stand, P.S - Kotwali, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

4 20-02-2026 Heard Mr. Subhash Kumar, learned counsel for the
petitioner and Mr. Choubey Jawahar, learned APP for the State.

2. The petitioner seeks bail in connection with Kotwali
P.S. Case No. 452 of 2025, instituted for the offences punishable
under Sections 8, 20(b)(ii)(B) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of total 8.2 Kg of Ganja has been recovered from the
possession of petitioner along with other co-accused persons. It
is further alleged that 6.200 Kg Bhaang has also been recovered
from the *thela*.

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 and



charge has already been framed against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submitted that the petitioner has got no concern either with the alleged recovery of Ganja or Bhaang. 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 06.08.2025 and has got one criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submitted that other co-accused has been granted regular bail by this Court vide order dated 03.02.2026 passed in Cr. Misc. No. 4937 of 2026.

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 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 Kotwali P.S. Case
No. 452 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)

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