

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87519 of 2025

Arising Out of PS. Case No.-48 Year-2025 Thana- GHOSI District- Jehanabad

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Billa Yadav @ Mahesh Yadav Son of Basudev Yadav Resident of Village -
Belahi Tola, Chhathu Bigha, P.S.- Ghoshi, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

3 24-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Ghoshi P.S. Case No.48 of 2025 registered for the offence
under Sections 20 and 20 of the Narcotics Drugs and
Psychotropic Substance Act.

3. As per prosecution case, on 28.01.2025, at about
10.30 O'clock informant got confidential information about
cultivation of Ganja by the villagers of Belai Tola. Chhathu Tola
and on this information, the informant along with police
personnel during course of conducting raid in the houses of
other co-accused persons, reached at the house of Billa Yadav @



Mahesh Yadav and on search, 03 green plants of Ganja about 15 Kgs. was recovered near the house of Billa Yadav in presence of Revenue Officer. Accordingly, the seizure list was prepared as per law and the FIR has been registered.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Learned counsel for the petitioner further submits that nothing has been recovered from the conscious possession of the petitioner. It is next submitted that a *Bari* was situated near the house, where from three green plants of Ganja about 15 Kgs. was recovered, but the said Bari was not belongs to the petitioner, neither the petitioner was owner of the said Bari, the said Bari is open place. Learned counsel for the petitioner also submits that no separate search and seizure has been prepared by the prosecution which is absolute violation of Section 103 of BNSS.

Learned counsel for the petitioner also submits that there is catena of judgments passed by the Hon'ble Court as well as Hon'ble Apex Court, if the search and seizure has not been prepared by the prosecution, no one can sent up for trial. Further submits that from bare perusal of the First Information Report as



well as seizure list, the prosecution has violated the mandatory provision of Section 50, 100, 165 of Cr.P.C. and Section 42, 50, 52, 53, 55, 57 of NDPS Act.

5. The learned APP vehemently opposes the anticipatory bail application.

6. The petitioner is named in the FIR and there is allegation of recovery of three green plants of *Ganja* about 15 Kgs. from the land in front of the house of the petitioner. It has also been noted by the court below that the informant in his restatement in paragraph-3 and the witnesses in their statement in paragraphs 4,5,6 & 7 of the case diary have supported the prosecution case.

7. Considering all these aspects of the matter, since the offence alleged is serious and impacts the society at large, therefore, this Court is not inclined to grant the anticipatory bail to the petitioner.

8. Accordingly, the anticipatory bail application is rejected.

(Alok Kumar Sinha, J)

Prakash Narayan

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