

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, BHAGALPUR

Anticipatory Bail Application No. 767/2026

Shrawan Yadav Versus State of Bihar

A N D

Anticipatory Bail Application No. 776/2026

Krishna Jha @ Sumit Kumar Jha Vs. The State of Bihar

Bypass P.S. Case No. 49/2026

Counsel for the Petitioners : - Sri Vikash Kumar, Advocate.

: - Sri Om Prakash Verma, Advocate.

For the State

: - Sri Sridhar Singh, Special Public Prosecutor.

Date of Order	Order with Signature of the Court
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27-05-2026	1. A.B.P. No. 767/2026 has been filed on behalf of accused/petitioner Shrawan Yadav and A.B.P. No. 776/2026 has been filed on behalf of accused/petitioner Krishna Jha @ Sumit Kumar Jha, under Section 482 B.N.S.S., seeking pre-arrest bail. Both anticipatory bail applications arise out of the same case i.e. Bypass P.S. Case No. 49/2026, instituted for offences u/s 21(b), 20, 22 of Narcotic Drugs and Psychotropic Substances Act, 1985. Since, both aforesaid anticipatory bail applications arise out of same case, hence, both have been taken up together for hearing & disposal by a common order. 2. Heard Sri Vikash Kumar and Sri Om Prakash Verma, learned counsels for the petitioners and Sri Sridhar Singh, learned Special Public Prosecutor for the State. 3. Prosecution case as stated in the First Information Report is that on 21-03-2026 at 10:45 hours, the informant S.I. Suman Kumar Roy of Bypass P.S. received secret information that Saurav Kumar, Shrawan Yadav and Krishna Jha are sitting in old and closed flour mill of Saurav Kumar and preparing pouches of Brown-sugar for the sell. Thereafter, the informant informed the senior officer and also requested to Sub-divisional Magistrate, Sadar, Bhagalpur for deputation of a Magistrate on which Sri Prabhat Kumar Ranjan was deputed as Magistrate. The informant also called day patrolling team at the police station and the informant constituted a raiding team in which the other police personnel were the member of the raiding team. In the meantime the deputed Dandadhikari, Sri Prabhat Kumar Ranjan also reached at the police station. Accordingly, the raiding team proceeded and reached at closed flour mill of

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Saurav Kumar. It is alleged that the raiding team knocked the door of flour mill on which a person opened the door but seeing the police he tried to flee away by pushing but the person was apprehended whereas two persons fled away after jumping the broken window who were chased by the police force but taking the benefit of rain they succeeded in fleeing away. On interrogation, the apprehended person disclosed his name Saurav Kumar and also disclosed the names of persons who fled away as Shrawan Kumar and Krishna Jha. Thereafter, for the purpose of search, a notice u/s 50 of NDPS Act was served upon the apprehended accused Saurav Kumar and in course of search from the mill total 9.06 grams of Brown-sugar like substance which was kept in 28 pouches and total 8.79 grams of Ganja like substance which were kept in a plastic pouch were recovered. Further a small electric weighing machine and two mobile phones were also recovered. Upon being asked regarding the recovered contraband substance, Saurav Kumar disclosed that he along with Krishna Jha and Shrawan Yadav were preparing pouches of Brown-sugar for its sell. In the meantime, the police team came at that time they prepared 28 pouches. He further disclosed that Krishna Jha and Shrawan Yadav fled away with Potly of Brown-sugar. Further, the apprehended accused Saurav Kumar disclosed regarding recovered Ganja that they kept the same for consuming and the two mobiles which were recovered are of Krishna and Shrawan. He also disclosed that the Splendor Motorcycle which were packed there is of Shrawan Yadav on which both Krishna and Shrawan came. Accordingly, the recovered Brown-sugar like substance, Ganja like substance along with mobile phones and electric weighing machine were seized as per seizure list. The apprehended accused was formally being arrested and on the basis of self statement of informant, the present case has been instituted. Thereafter, the apprehended accused was remanded to judicial custody.

4. The learned counsels for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. Entire allegation against the petitioners are false and concocted. Learned counsel further submits that neither the petitioners were apprehended on spot nor any incriminating material has been recovered from their possession rather the alleged recovery has been made from old and closed flour mill of co-

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accused Saurav Kumar and the said Saurav Kumar disclosed the names of both petitioners on the basis of which the petitioners have been dragged in this case. Further, there is no independent witness of seizure list rather the seizure list witnesses are police personnel which creates doubt regarding the genuineness of whole prosecution story and except the disclosure of co-accused there is nothing in the entire case diary to connect the complicity of petitioners in alleged occurrence. The petitioners bear clean antecedent.

5. Per contra, learned Special Public Prosecutor vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that the petitioners are named in the FIR with specific allegation that on secret information, when the police team went at the flour mill of co-accused Saurav Kumar and in course of search contraband substance were recovered from the flour mill of said co-accused. He further submits that the co-accused Saurav Kumar disclosed the names of petitioners and further specifically disclosed that the petitioners were also present there who seeing the police fled away with the "potly" of contraband substance. Admittedly, nothing has been recovered from possession of petitioners as they could not be caught on spot and managed to escape but the apprehended accused stated before the police that he along with the petitioners jointly engaged in business of sell and purchase of contraband substance. The recovered contraband substance comes under the category of intermediate quantity. During investigation, the witnesses have fully supported the prosecution case. The investigation of the case is still going on. The allegation is serious in nature and hence the petitioners do not deserve anticipatory bail.
6. Perused the case record as well as case diary. It appears that during course investigation the I.O. has mentioned the contents of seizure list at para 2 of the case diary and he recorded the restatement of informant at para 3 of the case diary whereas at para 4, 5, 6 and 7 of the case diary, statement of other witnesses has been mentioned in which the witnesses have supported the prosecution case and the fact of recovery of contraband materials from flour mill of co-accused. As per para 53 of the case diary, both the petitioners are absconding. As per para 55 of the case diary, the petitioners bear clean antecedent. At para 22 of the case diary, contents of supervision note has been mentioned and from perusal whereof it appears that the case has been found true against the petitioners and

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other co-accused. The investigation of the case is still going.

7. After having gone through the materials available on record, this court finds that the accused-petitioners are named in the FIR with specific allegation that on secret information, when the police team went at the flour mill of co-accused they were found making packets of contraband and having seen the police team they fled away from spot and in course of search from the flour mill of co-accused total 9.06 grams Brown-sugar as well as 8.79 grams of Ganja along with electric weighing and mobile phones were recovered. Further, the co-accused admitted the involvement of petitioners in sell and purchase of contraband substance jointly. In this way, from the materials available on the case record, it is clear that the petitioners along with other co-accused are jointly engaged in illegal sell and purchase of contraband substance. During investigation, the witnesses have supported the prosecution case.
8. Moreover, the investigation of the case is still going on but petitioners are absconding and an iota of evidence is yet to come.
9. Therefore, considering the nature and seriousness of allegation, the complicity of the petitioners in the alleged occurrence, quantity of recovered contraband substance, its impact on the society, this court is not inclined to release the petitioner on anticipatory bail. Accordingly, the aforesaid two anticipatory bail applications of above named two petitioners are hereby **rejected**.
10. Accordingly, the aforesaid two anticipatory bail applications are hereby disposed off.

Sd/-

(Dipankar Pandey)
Principal Sessions Judge.

Date of Judgment/Order	27-05-2026
Date of Reserving Judgment/Order	N/A
Uploading Date	30-05-2026
Uploaded by	R.B.D. Tripathi, Steno