

N.D.P.S. No. 34/2026

Pothiya P.S. Case No. 95/2026

P.O. Asutosh Rai

Accused:- Sanjeev Kumar Yadav @ Subodh Kumar Yadav

In the court of District & Additional Sessions Judge-II-, Katihar

N.D.P.S. No.- 34/2026

(Arising out from Pothiya P.S. Case No. 95/2026)

State versus Sanjeev Kumar Yadav @ Subodh Kumar Yadav

In the matter of

1. Sanjeev Kumar Yadav @ Subodh Kumar Yadav , aged about 34 years, S/o- Raj Kumar Yadav

R/o- Diyara Chandpur ward no. 08 P.S.- Pothiya Dist.- Katihar

.....accused petitioner

Versus

State of Bihar..... opposite party

P.S.- Pothiya

F.I.R.No.- 95/2026

Offence U/S- 8(C), 21(b) of the N.D.P.S. Act.

District- Katihar

Ld. Spl.P.P. for the State

Ld. Counsel for the Accused-petitioner

Shri. Manzar Alam,

Shri. Nitesh

ORDER

06.07.2026- This petition for regular bail has been filed on the behalf of the accused namely Sanjeev Kumar Yadav @ Subodh Kumar Yadav who is in custody since 26.04.2026 in connection with Pothiya P.S. case no. 95/2026 instituted U/S- 8(C), 21(b) of the N.D.P.S. Act. Copy of the bail petition has already been supplied to the Ld. Spl.P.P. appearing for the state.

Heard the learned counsel Sri Nitesh, appearing on the behalf of the petitioner and learned Spl.P.P. Shri Md. Manzar Alam appearing on the behalf of the State and perused the entire case record along with case diary.

As per written report prosecution case in nutshell is that on 25.04.2026, the informant to this case namely Naveen Kumar P.S.I., Pothiya received secret information that accused-petitioner Sanjeev Kumar Yadav @ Subodh Kumar Yadav and one another accused Shyam Kumar Yadav R/o Vill- Dira Chandpur ward no 08 used to sell Smack illegally from theirs joint house and general shop

situated at the front of their house. So on such information informant and other official persons arrived near the house of Shyam Kumar Yadav then one person came out from the said house and started fleeing away but he was apprehended by police force. On being asked apprehended person disclose his name to be Sanjeev Kumar Yadav @ Subodh Kumar Yadav . It is further alleged that when Sanjeev Kumar Yadav @ Subodh Kumar Yadav was searched then from the pocket of his pant Rs. 4750/- was recovered and when his shop was searched then total 40 grams of Smack kept total 200 small pudiya/bag and 100 pieces of silver papers were recovered. Later on, seizure list was prepared. It is further alleged that apprehended persons disclosed that his brother Shyam Kumar Yadav used to bring Smack after purchasing and he used to sell the said Smack in this shop.

While, Ld. counsel appearing on behalf of accused-petitioner has reiterated all the grounds taken in the bail petition and has submitted that the petitioner is quite innocent and has committed no offence at all and he falsely been implicated in this case on mere suspicion. He has further submitted that there is no incriminating articles recovered from the physical possession of the petitioner and as per seizure list, the seizure list has been prepared at 18:15 hours and F.I.R. has been registered at 19:45 hours, but the seizure list contains the F.I.R. number, which creates serious doubt over the seizure list. Accused-petitioner is in custody since 26.04.2026. Accordingly, prayer has been made to allow the bail petition.

Per contra, the learned Spl. PP opposed the prayer for bail and submitted that total 40 gram Smack have been recovered from the possession of accused-petitioner and said quantity is lesser than commercial quantity but more than small quantity. So, accused-petitioner doesn't deserve for regular bail.

Heard the both parties and perused the record. From perusal of case record that it is quite clear that total 40 gram smack have been recovered from

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the possession of accused-petitioner and accused-petitioner has confessed his involvement in the illegal business of Smack and he has clearly confesses that he used to sell the Smack from his shop. Further, other witnesses of the case diary have also supported the case of prosecution.

So, having consideration the above facts and circumstances of this case as well as submission made by Ld. Spl.P.P., I am not inclined to enlarge the above named accused petitioner on the bail. Accordingly, bail petition filed on behalf of the accused namely Sanjeev Kumar Yadav @ Subodh Kumar Yadav is hereby rejected.

A.S.J.-II

Katihar