

(2026:JHHC:17735)

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No.5381 of 2026

Shankar Yadav, aged about 52 years, son of Late Muneshwar Yadav,
Resident of Chhotki Chapi, P.O.-Bhalua, P.S.-Narachatti, District-
Gaya (Bihar).

.... Petitioner

Versus

The State of Jharkhand Opposite Party

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Shailesh Kr. Pandey, Advocate
For the State : Mr. V.K. Vashistha, Spl.P.P

Order No.02 Dated- 18-06-2026

Heard the parties.

The petitioner has moved this Court for grant of bail in connection with Chouparan P.S. Case No.181 of 2022 registered for the offences punishable under Sections 17(c) & 18(c) of the NDPS Act.

Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner was involved in transportation of poppy straw weighing 50kg which is also known as Doda on his motorcycle and on seeing the police party, he fled away along with the co-accused persons leaving the Doda loaded in his motorcycle as well as another motorcycle which some of the co-accused persons were riding. It is next submitted that the allegation against the petitioner is false. It is then submitted that apart from this case, the petitioner is involved in another case also. It is further submitted that the petitioner undertakes that he will co-operate with the trial of the case. It is lastly submitted that the petitioner has been in custody since 09.03.2026 as is evident from para-26 of this bail application. Hence it is submitted that the petitioner be admitted to bail.

Learned Spl. P.P. appearing for the State on the other hand vehemently opposes the prayer for bail and submits that keeping in view, the poppy straw of 50 kg has been recovered in connection with this case which comes under commercial quantity; the rigors of Section 37 of the N.D.P.S. Act, 1985 is attracted in this case and relying upon the judgment

of the Hon'ble Supreme Court of India in the case of **State of Punjab vs. Sukhwinder Singh @ Gora** reported in **2026 SCC OnLine SC 671**, paragraph of which reads as under:-

"9. It is well-settled that in matters involving recovery of contraband in commercial quantity, the twin conditions under Section 37(1)(b)(ii) of the NDPS Act are mandatory and entail no relaxation merely on the ground that the accused has undergone prolonged incarceration during the pendency of trial. The provision casts upon the Court a duty to record, before enlarging an accused on bail, its satisfaction on two cumulative conditions, first, that there exist reasonable grounds for believing that the accused is not guilty of the offence charged; and second, that he is not likely to commit any offence while on bail. The recording of such satisfaction is not a mere formality but a mandatory pre-condition, the non-observance of which vitiates the grant of bail. This Court, in Kashif (supra), has held in no uncertain terms that the recording of satisfaction on the twin conditions under Section 37 is mandatory and not merely directory, and that an order granting bail without such recorded satisfaction stands vitiated and cannot be sustained. The same view stands reiterated in Lalrintluanga Sailo (supra)." (Emphasis supplied)

It is next submitted by the learned Spl.P.P. appearing for the State that in the absence of any material to suggest that there are reasonable grounds for believing that the petitioner is not guilty of the offences and that he is not likely to commit any offence while on bail, the petitioner ought not be released on bail. It is next submitted that there is every chance of the petitioner absconding if released on bail. It is lastly submitted that the prayer of the petitioner for bail, be rejected.

Considering the serious nature of allegation against the petitioner and recovery of narcotic substance in commercial quantity and in the absence of any material for this Court to be satisfied that there are reasonable grounds for believing that the petitioner is not guilty of the offences and that he is not likely to commit any offence if admitted to bail; this Court is not inclined to release the petitioner on bail. Accordingly, the prayer for bail of the above-named petitioner is rejected.

(Anil Kumar Choudhary, J.)