

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34797 of 2024

Arising Out of PS. Case No.-803 Year-2023 Thana- DHANARUA District- Patna

Kaushal Kishor Sharma son of Late Lal Bahadur Singh Resident of Village-
neema, Nadwan, P.S.- Dhanarua, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Bhardwaj, Adv.

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

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

ORAL ORDER

2 06-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Dhanarua P.S. Case No. 803 of 2023 instituted for the offences
under Sections 399, 402 of the Indian Penal Code and Section
8(c)/21(a) of the Narcotic Drugs and Psychotropic Substances
Act, 1985 and Section 25(1-b)(a), 26, 27 & 35 of the Arms Act.

3. As per prosecution case, the police has recovered
2.470 grams of brown sugar, a country made pistol and a live
cartridge from the possession of the petitioner. It is further
alleged that altogether 10.69 grams of brown sugar along with
other incriminating articles were recovered from the possession
of all the accused persons.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The quantity of alleged contraband recovered is less than the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. The petitioner has no concern with the seized contraband. The petitioner has no criminal antecedent and is languishing in judicial custody since 25.12.2023 without any rhyme or reason.

5. Learned counsel for the petitioner again submits that the co-accused Binod Kumar @ Vinod Kumar, Santosh Kumar Sharma @ Santosh Kumar and Nitesh Kumar @ Nitish Kumar have been granted bail by this Court vide orders dated 05.04.2024, 26.04.2024 and 30.04.2024 passed in Cr. Misc. Nos. 26047 of 2024, 31185 of 2024 and 33191 of 2024 respectively.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case, period of custody of the petitioner, clean antecedent



and claim based on parity, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dhanarua P.S. Case No. 803 of 2023, subject to following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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