

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47214 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- SARAI District- Vaishali

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Golu Kumar @ Daya S/o Arun Singh @ Arun Kumar Singh @ Arun Kumar
R/o Village Imadpur, Raghunathpur, P.S. Bhagwanpur, District Vaishali at
Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Sudha, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection

with Sarai P.S. Case No.14 of 2024 registered for the

offences punishable under Sections 399 and 402 of the

Indian Penal Code and under Sections 25(1-B)a, 26 and 35

of the Arms Act as well as Sections 8, 20(b)(ii)(c) of the

Narcotic Drugs and Psychotropic Substances Act.

3. The accused/petitioner is named in the FIR and

is in custody since 25.01.2024.

4. Allegation against the petitioner is to have in

possession of illegal arms and total of 1.250 kg. of *charas*



along with other co-accused persons.

5. It is submitted by learned counsel that from this petitioner, there is no recovery of *charas* and he was alleged to be found in the possession of only one country-made pistol along with single live cartridge. It is submitted that nothing can be gathered from the face of FIR or out of investigation, which may invite culpable mental state of petitioner *qua* possession of contraband in view of Section 35 of the Narcotic Drugs and Psychotropic Substances Act and therefore the rigorous provisions as available under Section 37 of the Narcotic Drugs and Psychotropic Substance Act are not applicable with the present case. It is submitted that the petitioner found involved in two more criminal cases, where he is on bail in one criminal case. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.



7. In view of above-mentioned facts and circumstances as no contraband appears to be recovered from possession of this petitioner as per seizure list, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 25.01.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Vaishali at Hazipur in connection with Sarai P.S. Case No.14 of 2024, subject to the conditions as laid down under Section 437(3) of the CrPC/Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J)

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