

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64287 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- SAHEBPUR KAMAL District-
Begusarai

Raja Kumar Son of Late Banty Singh Resident of village -Barauni- Flag,
Ward No. 10, P.S- Teghra, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 65075 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- SAHEBPUR KAMAL District-
Begusarai

Raushan Kumar @ Roushan Kumar @ Roshan Kumar S/o- Sanjay Singh
Village- Bishnupur Aahok ward No. 13. P.S- Sahebpur Kamal District-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 64287 of 2024)
For the Petitioner/s : Mr. Sarvottam Kumar
For the Opposite Party/s : Mr. Choubey Jawahar
(In CRIMINAL MISCELLANEOUS No. 65075 of 2024)
For the Petitioner/s : Mr. Sandip Kumar Gautam
For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2.The petitioners have prayed for regular bail in a case
registered for the offence punishable under sections 307, 353,
120B and 34 of the Indian Penal Code and Sections 25(1-



B)a/26, 27, 35 of the Arms Act and under Section 8, 20(b)(ii)(B) of the NDPS Act.

3. The case of the prosecution is that from the possession of petitioner namely, Raja Kumar, one countrymade pistol and five live cartridges were recovered. Further, 1 kg of *Ganja* along with six live cartridges was recovered from petitioner namely, Raushan Kumar.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. So far as the recovery of 1 kg of ganja is concerned from the possession of the petitioner, namely, Raushan Kumar, the same does not come under the purview of commercial quantity as per N.D.P.S. Act. There is no independent witness of the seizure list rather they are police personnel. Moreover, the petitioners are languishing in judicial custody since 09.05.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that petitioners have criminal antecedents.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioners, this court is inclined to enlarge the



petitioners on bail. The above named petitioners are directed to be released on bail in connection with NDPS Case No. 23 of 2024 arising out of Sahebpur Kamal P.S. Case No. 132 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) each of them with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Begusarai.

7. Accordingly, the present Regular Bail application is allowed with a condition that the petitioners shall not indulge in similar kind of offences and that they shall cooperate in the stage of trial.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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