

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77139 of 2024

Arising Out of PS. Case No.-350 Year-2024 Thana- DUMRA District- Sitamarhi

Pappu Kumar Son of Late Kamta Yadav Resident Of Village- Chakmahila Ps-
Sitamarhi District- Sitamarhi, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha, Adv.

For the Opposite Party/s : Mr.Kalyan Shankar, APP

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

ORAL ORDER

2 26-10-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Dumra P.S. Case No. 350 of 2024 instituted for the

offences under Sections 310(4), 310(5) of the B.N.S. and

Section 25(1-B) (a), 26, 35 of the Arms Act as well as

Sections 20, 21, 22, 23, 24 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered

a loaded country made pistol with live cartridges were

recovered from the possession of the co-accused Rajan

Kumar and Abhishek Kumar @ Vikash. A loaded country

made pistol with live cartridges and smacks weighing total



42 gms kept in 100 pockets were also recovered from the co-accused Raju Kumar.

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 petitioner has no concern with the seized contraband or the arms and ammunition. The petitioner has also no concern with the co-accused persons. There is no direct evidence to connect the petitioner with the alleged occurrence. The quantity of smacks 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 one criminal antecedent and is languishing in judicial custody since 13.08.2024 without any rhymes or reason.

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

6. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, 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 Dumra P.S. Case No. 350 of 2024.

(Rudra Prakash Mishra, J)

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