

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1557 of 2025

Arising Out of PS. Case No.-278 Year-2024 Thana- KATIHAR MUFFASIL District- Katihar

Ankur Tiwari @ Ankur Kumar S/O Ripendra Tiwari @ Ripendra Kumar
Tiwari R/O Village- Manihari More, P.S- Sahayak, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pratik Mishra, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Mufassil (Katihar) P.S. Case No.278 of 2024 registered for the alleged offences under Sections 8(b) and 20(c) of the N.D.P.S. Act and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per prosecution case, police received secret information about assembly of some persons in the house of co-accused. A raid was conducted and the petitioner and co-accused persons were apprehended. From the possession of co-accused Pawan Kumar Yadav, recovery of country made pistol loaded with five cartridges, a mobile phone and two lighters were made. From co-accused Kaila Sada, recovery of



3.40 grams of smack was made apart from an iron knife and Rs. 2510/- and a mobile phone. From third co-accused Amar Kumar Sada, recovery of Rs. 1320/- and a lighter were made. From this petitioner, recovery of Rs. 1200/-, a mobile phone and a lighter were made.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of this petitioner. Petitioner has no concern with other co-accused persons. Even the recovery of smack is only 3.40 grams which is below the small quantity. The petitioner is a student and has been pursuing his graduation from Indira Gandhi National Open University and is in custody since 01.12.2024. Petitioner is having criminal antecedent of one case.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and even recovery of smack from other co-accused is less than small quantity, the petitioner above named is directed to 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 learned Sessions Judge-cum-Special Judge (N.D.P.S.), Katihar/concerned court in connection with Mufassil (Katihar) P.S. Case No. 278 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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