

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 1593 of 2025

Arising Out of PS. Case No.-362 Year-2020 Thana- KESARIA District- East Champaran

Bhola Kushwaha @ Vikash Kumar Son of Kishori Prasad Resident of Village
- Gariba, P.S.- Kalyanpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv

For the Opposite Party/s : Mr. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner seeks bail in connection with N.D.P.S. Case No. 67 of 2020 arising out of Kesariya P.S. Case No. 362 of 2020, registered on 08.09.2020, for the offences under Sections 25(1-b)a, 26 and 35 of the Arms Act and under Sections 20 and 22 of the N.D.P.S. Act.

03. As per prosecution case, during night patrolling, police signalled one motorcycle to stop on which three persons were riding. One of the pillion riders fled away and two persons were apprehended. From the apprehended co-accused persons, recovery of loaded pistol with five live cartridges, 600 grams of *ganja* and one knife was made. The petitioner is stated to be a person who fled away on seeing the police party.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has transpired in this case merely on the basis of confessional statement of the co-accused *Ashok Kumar Yadav* and *Chuman Singh*. Except their confessional statement there is nothing against the petitioner. No incriminating article has been recovered from the conscious possession of the petitioner. There is no substantive material to connect the petitioner with the offences as alleged. The petitioner is having antecedent of three cases and he is on bail in all such cases. Petitioner is in custody since 22.10.2024 and charge-sheet has been submitted.

05. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the petitioner appears to be a habitual offender.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering that the petitioner was not apprehended from the spot and no recovery has been made from the possession of the petitioner and further considering the period of custody and submission of charge-sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand



Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran at Motihari, in connection with N.D.P.S. Case No. 67 of 2020 arising out of Kesariya P.S. Case No. 362 of 2020, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other 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 bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Jyoti/-

U		T	
---	--	---	--

