

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1770 of 2025**

Arising Out of PS. Case No.-104 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Prithwi Kumar Son of Ram Udar Prasad Resident of Village- Saryupar, P.S.-
Daudpur, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 21-02-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with G.B.

Nagar P.S. Case No. 104 of 2024 registered for the offences

under Sections 399, 402, 413 and 414 of the IPC and

Sections 25(1-b)A, 26 and 35 of the Arms Act and Sections

8, 20, 21(b) and 22 of the NDPS Act.

3. The petitioner is named in the F.I.R. and is in

custody since 12.03.2024.

4. As per case of prosecution, upon police raid



petitioner along with co-accused persons found in possession of one countrymade pistol alongwith one cartridge, mobile and eleven sachets of smack like substance weighing 7.34 grams. A Hero Honda Passion motorcyle, bearing registration no. BR 04 X 9316 also alleged to be recovered from the possession of co-accused persons.

5. Learned counsel appearing on behalf of the petitioner submitted that quantity of smack/contraband as alleged to be recovered from the possession of this petitioner is slightly more than small quantity and it is much below than commercial quantity. It is pointed out that as the quantity is less than commercial quantity, therefore, rigors of Section 37 as available under NDPS Act not appears applicable in the present case and moreover, the witnesses of the seizure list appears police personnel and not independent witnesses and furthermore, the compliance of other mandatory legal provisions as available under NDPS Act regarding Sealing, Search and Sampling (SSS) not appears to be followed. It is submitted that apparently mandatory compliance of Section 50 of NDPS Act also not appears to be followed in the present



case. While concluding the argument it is submitted that one of the reason for implication of petitioner in the present case is suspicion arising out of criminal antecedents as he found involved in seven more cases, where he is on bail and in maximum number of cases his name transpired on the basis of confessional statement and moreover investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of aforesaid facts and circumstances and by taking note of fact as recovered quantity is less than commercial quantity, coupled with the fact as petitioner is in custody since 12.03.2024, where charge-sheet has already submitted, accordingly, petitioner, above named, is directed to be released on bail in connection with G.B. Nagar P.S. Case No. 104 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Siwan/concerned court, subject to the conditions as



mentioned under Section 437(3) of the Cr.P.C./Section
480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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