

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12328 of 2025

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

Abhishek Kumar @ Vikash Kumar S/O Nagendra Singh R/O Village-Khilvat,
P.S.- Bidupur, Distt. Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv.
For the Opposite Party/s : Mr. Amitesh Kumar, APP

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

ORAL ORDER

2 21-02-2025 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 punishable
under Sections 310(4), 310(5) of the Bharatiya Nyaya Sanhita,
2023, Sections 25(1-B)(a), 26 and 35 of the Arms Act and
Section 20, 21, 22, 23 and 34 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of arms and ammunition as also 42 grams smack from
the possession of arrested accused persons including the
petitioner. It is alleged that the police has recovered one loaded
country-made pistol from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. He submits that total 42 grams smack has been recovered from the possession of the co-accused Raju Kumar. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner has got no concern with the alleged recovery of smack and arms. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 13.08.2024 and has got one criminal antecedent in which he is on bail. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 06.12.2024 passed in Cr. Misc. No. 74020 of 2024. Co-accused Raju Kumar has also been granted bail by this Court vide order dated 08.01.2025 passed in Cr. Misc. No. 89591 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the



commercial quantity, claim for bail being based on parity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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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