

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12828 of 2025

Arising Out of PS. Case No.-422 Year-2023 Thana- SIWAN CITY District- Siwan

Raju Dubey Son of Late Shri Ram Dubey Resident of Village- Sarari, P.S.-
Goryakothi, Distt.-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prabhakar Singh, Advocate
	:	Mr. Pranav Bhashkar, Advocate
	:	Mr. Birottam Narayan Singh, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP

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

ORAL ORDER

2 16-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Siwan Town P.S. Case No. 422 of 2023 instituted for the offences under Sections 25(1-b)a, 26 of the Arms Act and Sections 20(b)/(i)/(B)/22/24 of the N.D.P.S. Act.

3. Prosecution case, in short, is that one country-made pistol and 1.050 Kg. *ganja* has been recovered in this case.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is in custody since 10.03.2023 and has twelve criminal antecedents. There is no allegation of tampering of



witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. The recovered contraband is just above the small quantity and far below the commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. Learned counsel further submitted that charge-sheet has been submitted in this case and charge has also been framed against the petitioner. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act as also of Section 100 of the Cr.P.C.

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, quantity of recovered contraband being less the commercial quantity as also 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 Siwan Town P.S. Case No. 422 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of



the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) Petitioner shall not leave the territorial jurisdiction of the learned court below without taking its prior permission. If petitioner violates any condition/s, the prosecution will be at liberty to move for cancellation of bail bonds.

(Rudra Prakash Mishra, J)

Alok Verma/-

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

