

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15618 of 2025**

Arising Out of PS. Case No.-397 Year-2024 Thana- HUSSAINGANJ District- Siwan

Sheikh Munna @ Shekh Munna S/o- Mohammad Mustafa Village- Kanahauli
P.S.- MH Nagar Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER**

4 18-06-2025 Heard Mr. Chandra Mohan Jha, the learned
counsel appearing on behalf of the petitioner and Mr.
Shailendra Kumar, the learned Additional Public Prosecutor
for the State.

2. The petitioner seeks bail in a case registered for
the offences punishable under Sections 310 (4), 310(5) of
B.N.S. and 25(1-B)a, 26, 35 of Arms Act and Section 8(c) and
21(b) of N.D.P.S. Act. Petitioner has clean antecedent.

3. As per the prosecution case, the informant during
the patrolling, apprehended four persons who disclosed their
names as Jitendra Kumar Yadav @ Jimmy, Sheikh Munna
(petitioner), Anil Kumar Gupta and Daya Shankar Sah. It is
alleged that on search 36 puriya of smack like substance was



recovered from the possession of the petitioner and one country-made pistol with two live cartridges was also recovered from the petitioner and some other incriminating article were recovered from the other accused persons.

4. The learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and no such recovery as alleged has been made from his conscious possession as there were four persons who were apprehended. The learned counsel further submits that even if we take the allegations on its face value the total 36 puria of smack like substance during the course of investigation was found to be measuring 4.5 gm in total. Lastly, it has been submitted by the learned counsel for the petitioner that petitioner has clean antecedent and he is in custody since 11.11.2024

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has stated that the petitioner was apprehended with country-made pistol and smack.

6. Considering the aforesaid submissions made by the parties and taking into account that the recovery of smack was less than the small quantity and also the period of custody, I am inclined to grant the petitioner privilege of



regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection Hussainganj P.S. Case No. 397 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two 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.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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