

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19809 of 2025

Arising Out of PS. Case No.-324 Year-2024 Thana- GUTHANI District- Siwan

Lalbabu Singh @ Lal Singh Son of Ramekbal Singh Resident of Village-
Yogiadih, PS- Guthani, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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

ORAL ORDER

2 10-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Guthani
P.S. Case No. 324 of 2024, instituted for the offences punishable
under Sections 317(5), 3(5) of the Bharatiya Nyaya Sanhita,
2023 read with Sections 25(1-B)(a), 26 and 35 of the Arms Act,
Sections 8(c) and 21(a) of NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of total 31 gram smack, one pistol and five live
cartridges from the possession of co-accused persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from



the conscious possession of the petitioner. Learned counsel for the petitioner further submits that the petitioner was neither present nor arrested from the place of occurrence. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused persons and the same has got no evidentiary value. It is further submitted that no recovery of smack or arms have been made from the possession of the petitioner. 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 24.11.2024 and has got three criminal antecedents in which he is on bail. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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 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 ***after framing of charge, if not already framed*** 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 Guthani P.S. Case No. 324 of 2024, 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.

(Rudra Prakash Mishra, J)

Rajorshi/-

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