

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26913 of 2025

Arising Out of PS. Case No.-225 Year-2024 Thana- LAUKAHI District- Madhubani

Md. Naushad son of Nazare Alam village- Kariyat, Ward no. 12, Ps- Laukahi,
Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikas Kumar Jha, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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

ORAL ORDER

2 06-05-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Laukahi P.S. Case No. 225 of 2024 instituted for the offence
under Sections 310(4), 310(5) of the Bharatiya Nyaya Sanhita,
2023, Sections 25(1-B)a, 26 & 35 of the Arms Act and Sections
20 & 22 of the NDPS Act.

3. As per prosecution case, upon receiving a tip off
about assembly of some miscreants making preparation for
committing some crime, a raid was conducted and petitioner and
other co-accused persons were apprehended from the identified
place. Recovery of firearms and ammunitions were made from
the co-accused persons whereas recovery of one live cartridge



and motorcycle were made from the petitioner. Further recovery of 120 bottles, each 100 mL codeine containing cough syrup was also made from the place from where the petitioner and other co-accused persons were apprehended and a number of motorcycles were also seized.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 21-12-2024. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner submits that nothing has been recovered from the conscious possession of the petitioner. So far as recovery of contraband is concerned, the constituents of codeine comes to about 24 gram, which is within the ambit of small quantity. Hence, there is no bar under Section 37 of the NDPS Act. There is no compliance of Sections 42 & 50 of the NDPS Act. There is no compliance of Section 103 of the BNSS, 2023. Charge-sheet is submitted in this case. Other co-accused has been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 30-04-2025, passed in Cr. Misc. 24790 of 2025.

6. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, petitioner having no concern with the recovered arms as well as recovery of contraband below small quantity and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. 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 Laukahi P.S. Case No. 225 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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