

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24854 of 2025

Arising out of PS. Case No.-431 Year-2023 Thana- GAUTAMBUDHNAGAR District- Si-
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Ajit Kumar @ Amar Bind @ Babu Son of Late Jay Prakash Prasad Resident
of village - Bharauli, P.S.- Andar, District - Siwan. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 24996 of 2025

Arising out of PS. Case No.-431 Year-2023 Thana- GAUTAMBUDHNAGAR District- Si-
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Vikramjeet Gupta @ Jhingna Son of Baldev Prasad Gupta @ Baldev Prasad
Resident of Village- Makhdum Sarai, P.S.- Sarai, O.P., District- Siwan
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 24854 of 2025)
For the Petitioner/s : Mr. Kumari Anupam, Advocate
For the Opposite Party/s: Mr. Shailendra Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 24996 of 2025)
For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s: Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 14-05-2025 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the state.

2. The petitioners seek bail in connection with G.B.
Nagar P.S. Case No. 431 of 2023 dated 20.11.2023 instituted for
the offences under Sections 399, 402 and 414 of the Indian Pe-
nal Code, Section 25(1-b)a, 26 and 35 of the Arms Act and Sec-
tions 8, 20(b)(ii)b0, 21(b) and 22 of NDPS Act. Petitioner of Cr.
Misc. No. 24854 of 2025 namely Ajit Kumar @ Amar Bind @



Babu has three criminal antecedents and the petitioner of Cr. Misc. 24996 of 2025 namely Vikramjeet Gupta @ Jhinga has six criminal antecedents.

3. As per the FIR, the allegation against the petitioners is that the police intercepted a motorcycle on the apprehension that there was some planning to commit an offence and when the raiding team made a search from the four apprehended accused persons, a country-made pistol (Desi Katta), 15 small packets of smack with a total weight of 7.050 gramms and one redmi mobile phone was recovered from Ajit Kumar, Petitioner of Cr. Misc. No. 24854 of 2025 and from the co-accused namely Vikramjit Gupta @ Jhinga, Petitioner of Cr. Misc. No. 24996 of 2025, one loaded pistol with two live cartridges, 15 small packets of smack, weighing 6.970 gramms and 3.5 Kg of Ganja were recovered and further also some smack was recovered from the two other co-accused namely Angad Mishra and Amrendra Patel which were admittedly more than small quantity, however, the same was within the commercial quantity.

4. Learned counsel for the petitioners submits that admittedly total 14.02 gramms of smack and 3.5 Kgs. of ganja were recovered from the petitioners along with one motorcycle, however, the said quantity is of intermediate quantity and the re-



quirement under Section 37 of the NDPS Act will not apply in the preset case. It has further been submitted by learned counsel for the petitioners that petitioners are in custody since 21.11.2023.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and has submitted that the petitioners are involved in sale of contraband substance, as such, they should not be released on bail.

6. Considering the aforesaid submissions of learned counsels and taking into account the fact that the recovery made was of intermediate quantity and they are in custody since 21.11.2023, the petitioners above named, are directed to be released on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Siwan in connection with G.B. Nagar P.S. Case No. 431 of 2023, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioner will remain present on each and every date fixed by the



Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioners except the above-mentioned cases and in case at any stage it is found that the petitioners have concealed his criminal antecedent except these cases, 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 the same or in the name of verification.

7. In view of the antecedents of the petitioners, the petitioners are directed to appear before the Superintendent of Police, Siwan within fifteen days of their release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioners will be kept under watch



in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioners before the court concerned.

(Sourendra Pandey, J)

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