

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33755 of 2025

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

Kamaldev Ray S/o Hareram Ray R/o Village Narayanpur Ward No. 4, P.S.-
Bhairav Asthan, Distrit- Madhubani

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashad, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 27-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Section 310(4) and 310 (5) of the Bharatiya Nyay Sanhita, 2023 and Section 25 (1-b)a, 26 and 35 of the Arms Act and Section 20 and 22 of the N.D.P.S. Act.

3. As per the prosecution case, seven persons were named in the F.I.R. and upon raid being conducted at the said place, three motorcycles were found parked in the medical shop of co-accused, Santosh Rai, which was allegedly used for smuggling and committing crime. Further, upon search, one country made pistol, two live cartridges and 120 bottles of 100 ml each of Onerex cough syrup were recovered from the possession of the accused persons who were arrested.



4. It is submitted by learned counsel for the petitioner that nothing has been recovered from the conscious possession of the petitioner. It is further submitted that from bare perusal of the first information report and seizure list would go to show that the recovery has been made from the shop of co-accused, Santosh Rai. There is no compliance of the provisions of Section 42 and 50 of the N.D.P.S. Act. There is violation of the mandatory provisions of the search and seizure as there is no independent witness to the seizure list. It is further submitted that the petitioner is accused in only one case which is under the SC/ST Act and is on bail in the said case. It is pointed out by learned counsel for the petitioner that similarly situated three co-accused including the co-accused, Santosh Rai have already been granted privilege of bail by co-ordinate Bench of this Court vide order dated 30.04.2025, 05.05.2025 and 06.05.2025 passed in Cr. Misc. Nos.24790 of 2025, 25833 of 2025 and 26913 of 2025 respectively. Petitioner has been languishing in custody since 21.12.2024.

5. Taking into consideration the fact and circumstances of the case as well as the fact that similarly situated co-accused persons have already been granted bail, the above named petitioner is directed to be enlarged on bail on



furnishing bail bond of Rs.10,000/- (Rupees 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 with Laukahi P.S. Case No. 225 of 2024.

(Soni Shrivastava, J)

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