

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35707 of 2025

Arising Out of PS. Case No.-246 Year-2024 Thana- GANGABRIDGE District- Vaishali

Guddu Kumar S/o Suresh Kumar Singh RO Village- Nawada Khurd, P.O.-
Shahdullahpur, P.S.- Ganga Birdge, District- Vaishali, Bihar- 844102

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 28-05-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Ganga Bridge P.S. case No. 246 of 2024 instituted for the offences under Sections 191(2), 191(3), 190, 329(3), 115(2), 118(1), 109, 132, 125(a), 125(b) and 352 of the B.N.S., 2023 and Sections 8(c), 21(b) and 29 of the N.D.P.S. Act, 1985.

3. As per the prosecution case, the police had recovered 9.700 grams of smack from the possession of co-accused Vikky Kumar, who disclosed the name of the petitioner and others as associates.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the possession of the petitioner. It has further been submitted that the recovered



contraband is just above the small quantity but much below the commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. It has also been submitted that the name of the petitioner has transpired on the confessional statement of co-accused Vikky Kumar who has been granted bail vide order dated 13.05.2025 passed in Cr. Misc. No. 12632 of 2025 by a coordinate bench of this Court. Lastly, it has been submitted that the petitioner has an antecedent of two criminal cases and has been in custody since 21.04.2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature.

6. Considering the aforesaid facts and circumstances of the case and taking into account that no recovery has been made from the possession of the petitioner and that co-accused Vikky Kumar from whom the recovery has been made has been granted bail by a coordinate bench of this Court as also the quantity of seized contraband which is much below the commercial quantity, this Court is inclined to grant bail to the petitioner.



7. 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 Ganga Bridge P.S. case No. 246 of 2024 subject to the conditions that

a. One of the bailors of the petitioner shall be his close relative.

b. The petitioner shall remain physically present in Court on each date of the trial.

c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

d. And further condition that the 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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