

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36283 of 2025

Arising Out of PS. Case No.-110 Year-2024 Thana- ROSERA District- Samastipur

Goswami Kumar @ Goswami S/o Ram Naresh Ranjan R/o Vill.- Ballabhpur,
Ward No. 13, P.S.- Hasanpur, Distt.- Samastipur, Bihar, Pin Code- 848206

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishal Vikram Rana, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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

ORAL ORDER

2 17-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Rosera P.S. Case No. 110 of 2024, instituted for the offences punishable under Sections 399, 401, 402 of the Indian Penal Code, read with Sections 8(c), 21(B), 21(c), 22(c) of the NDPS Act, Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. Prosecution allegation, in short, is that there is recovery of 13 gram brown sugar, one country made pistol, mobile phone and cash have been recovered 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 submits that the petitioner was not arrested at the place of occurrence. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused persons, namely, Stayam Kumar and Kanhaiya Kumar and the same has got no evidentiary value. It is also submitted that the petitioner has got no concern with the alleged recovery of brown sugar and arms. Nothing has been recovered from the conscious 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 29.09.2024 and has got one criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 02.05.2025 passed in Cr. Misc. No. 24230 of 2025.

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, no recovery from the petitioner, the recovered



contraband being below the commercial quantity, the period of custody undergone by the petitioner and claim based on parity, 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 Rosera P.S. Case No. 110 of 2024.

(Rudra Prakash Mishra, J)

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