

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35468 of 2025

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

Ranjeet Kumar @ Ranjeet Yadav S/o Bechan Yadav Resident of Village
Malhipur, PS. Hasanpur Distt. Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Ranjan, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

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

ORAL ORDER

3 18-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Rosera
P.S. Case No. 110 of 2024 for the offences punishable under
Sections 399, 401, 402 of the Indian Penal Code and Sections
8(C), 21(B), 21(C), 22(C) of the Narcotic Drugs and
Psychotropic Substance Act, 1985.

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. 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 in the eye of law. 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 28.11.2024 and has got seven criminal antecedents. 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 orders dated 02.05.2025 and 17.06.2025 passed in Cr. Misc. Nos. 24230 of 2025 & 36283 of 2025 respectively.

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, abovenamed, be released on bail, *after framing of charge if not already framed*, 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, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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