

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45448 of 2025

Arising Out of PS. Case No.-324 Year-2024 Thana- GUTHANI District- Siwan

Vishwakarma Kumar Gond Son of Achhelal Gond @ Akshay Lal Gond
Resident of Village- Sarna Mathiya, P.S.- Darauli, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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

ORAL ORDER

4 19-09-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Guthani P.S. Case No. 324 of 2024, instituted for the offences punishable under Sections 317(5) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 25(1-B)(a), 26 and 35 of the Arms Act, Sections 8(c) and 21(a) of NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of total 31 gram smack, out of which 24 gram was recovered from the petitioner's possession as also, one foreign made pistol and two live cartridges.

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. It is further submitted that no recovery of smack or arms have been made 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 22.11.2024 and has got two criminal antecedents in which he is on bail. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been granted bail by this Court vide order dated 10-04-2025, passed in Cr. Misc. No. 19809 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, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Guthani P.S. Case No. 324 of 2024, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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