

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41927 of 2025

Arising Out of PS. Case No.-284 Year-2024 Thana- SITAMARHI District- Sitamarhi

Raja Kumar @ Jhingna S/O Late Kanhaiya Raut @ Kanhai Raut Resident of
Village- Koat Bazar Near Pani Tanki, Chak Mahila, P.S- Sitamarhi, District-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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

ORAL ORDER

2 30-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sitamarhi P.S. Case No. 284 of 2024, instituted for the offences
punishable under Sections 399, 402, 414 of the Indian Penal
Code, read with Sections 25(1-B)(a), 26, 35 of the Arms Act,
Sections 8 and 21 of the NDPS Act.

3. The prosecution case, in short, is that, there is
recovery of one loaded country made pistol along with one live
cartridge from the possession of the petitioner. It is further
alleged that 30 grams of smack and other incriminating articles
were recovered from the possession of other co-accused
persons.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner has got no concern with the alleged recovery of arms and smack. It is next submitted that no any recovery of smack has been recovered from the 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 01.05.2024 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. It is further submitted that similarly situated co-accused has been granted regular bail by this Court vide order dated 20.12.2024 passed in Cr. Misc. No. 87744 of 2024.

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.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sitamarhi P.S. Case No. 284 of 2024.

(Rudra Prakash Mishra, J)

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