

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46099 of 2025

Arising Out of PS. Case No.-838 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

Amit Kumar @ Raifal Son of Shekhar Rai Village-Dighghikala Mahto Tola
PS- Hajipur Sadar Dist -Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Puja Kumari, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

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

ORAL ORDER

2 28-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Hajipur Sadar PS Case No. 838 of 2024 instituted for the
offences under Sections 8(c) & 21(c) of the NDPS Act and
Sections 25(1-b)a, 26 & 35 of the Arms Act.

3. In course of patrolling on 04.11.2024, petitioner
was apprehended near *Malmala Puliya* and on search, one
loaded country-made pistol, two live cartridges, and 300 grams
of smack (heroin) were recovered from his possession. He also
disclosed the names of his two accomplices who managed to
flee.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Charge-sheet been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner has no concern with the recovered arms and contraband. 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. There is no compliance of Section 103 of the BNSS, 2023. The petitioner is in custody since 05-11-2024 and has got seven criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 18-06-2025, passed in Cr. Misc. No. 37341 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 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, ***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 Hajipur Sadar PS Case No. 838 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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