

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45818 of 2025

Arising Out of PS. Case No.-873 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Ravi Kumar @ Ravi Paswan S/O Jaglal Paswan R/O Village-
Chaksakra, Ward No.8, P.S- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Prasad Sinha, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

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

ORAL ORDER

2 04-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Hajipur Sadar P.S. Case No. 873(B) of 2023, instituted for the
offences under Sections 143, 307, 353, 414 of the Indian Penal
Code, read with Sections 25(1-B)(a), 26 and 35 of the Arms Act,
Sections 8(c) and 21(b) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of one country made pistol along with two live
cartridge and 102.96 gram smack was recovered from the
possession of the co-accused, Rahul Kumar. It is further alleged
that the petitioner was also with the co-accused at the time of
occurrence but, he managed to escape away from there.



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 further submits that the allegation levelled against the petitioner is general and omnibus in nature. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused, namely, Rahul Kumar and the same has got no evidentiary value. It is next submitted that the petitioner has got no concern with the alleged recovery of arms and smack. 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 17.12.2024 and has got four 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 this Court vide order dated 09.05.2025 passed in Cr. Misc. No. 31897 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 *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 P.S. Case No. 873(B) of 2023, 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/-

U		T	
---	--	---	--

