

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53822 of 2024

Arising Out of PS. Case No.-120 Year-2024 Thana- ADAPUR District- East Champaran

Lalu Kushwaha @ Lalu Kishwaha @ Lalu Kumar Kushwaha, aged about 19 years (Male), Son Of Kameshwar Prasad Kushwaha, Resident Of Village - Sirisiya Mal, P.S. - Nakardei, District - East Champaran

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Krishna Kant Singh, Advocate
For the Opposite Party : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 28-03-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Adapur (Nakardei) P.S. Case No. 120 of 2024 dated 02.04.2024 registered for the offences punishable under Sections 25(1-B)a, 26 of the Arms Act and Sections 8, 20(b)(ii)(c) of the N.D.P.S. Act and Section 13 of the FEMA Act.

3. As per the prosecution case, on 02.04.2024 at about 17.30 hours, police apprehended the petitioner and on search, one country made katta, one live cartridge, one mobile with Nepali Sim and 500 gram Charas were recovered from his possession and on his disclosure, the police raided the house of the co-accused Dodha Sah and recovered Rs. 2,40,000/- Nepali



currency from his house.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that there is no statutory compliance under the provisions of the Cr.P.C. as well as N.D.P.S. Act. The alleged recovery of 500 gram of Charas is less than the commercial quantity though it is above the small quantity. He has no concern with the alleged offence. It is further submitted that no firearms was recovered from his possession rather he is the victim of police atrocities in making the case grievous. The alleged Nepali Currency of Rs. 2,40,000/- was recovered from the other co-accused Dodha Sah, hence, the provision of Section FEMA is not attributed against the petitioner. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 03.04.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the



like amount each to the satisfaction of the learned Sessions Judge/Special Judge, East Champaran, Motihari in connection with Adapur (Nakardei) P.S. Case No. 120 of 2024 with further condition:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

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

