

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52637 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- GANGABRIDGE District- Vaishali

Chhotu Kumar Son of Chanarik Mahto Resident of village -Chakmohammad
Chisti PS -Ganga Bridge District -Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 19-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seek bail in connection with
N.D.P.S. Case GR-29 of 2025 arising out of Ganga Bridge P.S.
Case No. 23 of 2025 registered for the offences punishable under
Sections 317(5)/112 of B.N.S., Sections- 8A(c)/ 21(b)/ 29 of
N.D.P.S. Act and Sections- 25(1-B)(a)/26/35 of the Arms Act.

3. As per prosecution case, the informant with
police team was on patrolling duty. He got information that four
persons on two motorcycles were trying to snatch money and
mobile from the truck drivers at Terasiya More. On such
information, he reached there with police force and saw that
four persons were fleeing on two motorcycles. On chase, two of
them succeeded in fleeing away while two accused persons



were apprehended who disclosed their names as Deepak Kumar and Golu Kumar. Accused Deepak Kumar disclosed the names of Chhotu Kumar (i.e. petitioner) and Pukar Kumar who succeeded in fleeing away. On search, one country-made pistol loaded with a live cartridge and one live cartridge was recovered from the possession of accused Deepak Kumar and a small plastic box weighing 42 grams, containing 13 gram Smack was recovered from the possession of Golu Kumar. Search and seizure was made as per law.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the F.I.R. Nothing has been recovered from the possession of petitioner. Petitioner is in custody since 06.06.2025 and except disclosure of the apprehended co-accused Deepak Kumar, there is nothing on record to connect the petitioner with the alleged occurrence. Petitioner is having clean antecedent. Co-accused Deepak Kumar, who disclosed the name of the petitioner, has already been granted bail by a Co-ordinate Bench of this Court vide Cr. Misc. No. 45669 of 2025 and the case of the petitioner stands on better footing. Charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence.



5. Learned A.P.P. for the State has vehemently opposed the prayer for bail and submitted that co-accused Deepak Kumar, from whom there is recovery of fire-arms, has named the petitioner. Hence, he does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, there is no recovery from the petitioner, petitioner has clean antecedent, charge-sheet has already been submitted, there is no likelihood of tampering with the prosecution evidence, co-accused Deepak Kumar, who has taken the name of the petitioner, has already been granted bail by a Co-ordinate Bench of this Court, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Principal Sessions Judge, Vaishali in connection with N.D.P.S. Case GR-29 of 2025 arising out of Ganga Bridge P.S. Case No. 23 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) However, the trial court shall verify the criminal antecedent of the petitioner as mentioned in para 3 of the bail petition and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial court shall take steps for cancellation of bail-bond of the petitioner.

(Alok Kumar Pandey, J)

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