

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56919 of 2025**

Arising Out of PS. Case No.-111 Year-2025 Thana- BARAULI District- Gopalganj

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Dhiraj Kumar S/o Ranveer Bhagat Resident Of Village - Panapur, Ps-  
Manipur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi

For the Opposite Party/s : Mr.Md. Aslam Ansari

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      07-10-2025                      Heard the parties.

2. The petitioner seeks bail in connection with Barauli  
P.S. Case No. 111 of 2025 registered for the offence under  
Sections 303(2), 313, 317(4), 317(5) of BNS, Section 25(1-  
B)a, 26 and 27 of Arms Act and Section 8(c) and 21(b) of NDPS  
Act.

3. The petitioner is named in the F.I.R. and is in  
custody since 24.04.2025.

4. As per FIR, petitioner was found in possession of  
14.67 gram of smack wrapped in polythene, one loaded country  
made pistol, four blue color galon each of 40 liter out of which  
two was empty and two was filled with diesel like substance, 10  
feet pipe alongwith other co-accused persons.



5. Learned counsel appearing on behalf of the petitioner submitted that recovery of contraband and fire arms as alleged was not made from the conscious physical possession of this petitioner. It is pointed out that petitioner has no connection with Maruti Suzuki which was found carrying of seized materials including contraband and country made pistol. It is pointed out that contraband and pistol were recovered from dickey of the car which was not in the knowledge of petitioner. It is pointed out that the implication of this petitioner with present case is only for the suspicion arising out of his criminal antecedents as he found involved in five more criminal cases of different nature where he is on bail. While concluding argument it is submitted that as recovered quantity of contraband (smack) is less than commercial quantity therefore rigors of Section 37 of NDPS Act not appears applicable in present case and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail submitted that the petitioner was actively involved in stealing of diesel from different vehicle and he was also found in possession



of contraband and country made pistol alongwith other co-accused person.

7. In view of aforesaid factual submission and by taking note of fact as quantity of contraband which is less than commercial quantity, coupled with fact that recovery of country made pistol and contraband *prima-facie* not appears made from conscious physical possession of this petitioner, where petitioner remains in custody since 24.04.2025, accordingly petitioner above named, is directed to be released on bail in connection with Barauli P.S. Case No. 111 of 2025 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 District and Sessions Judge, Gopalganj /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

**(Chandra Shekhar Jha, J)**

Sudha/-

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