

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58697 of 2025

Arising Out of PS. Case No.-92 Year-2025 Thana- MITHANPURA District- Muzaffarpur

Ajay Jha @ Ajay Kumar @ Ajay Kumar Jha @ Babua Don @ Babuya Don
Son of Kameshwar Jha Resident of Village - Dharmagatpur Gangati, P.S.-
Sakra, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

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

ORAL ORDER

2 01-09-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 76 of 2025, arising out of Mithanpura PS Case No. 92
of 2025 instituted for the offences under Sections 25(1-b)a & 26
of the Arms act and Sections 8(c) & 21(b) of the NDPS Act.

3. Prosecution allegation, in short, is that on
20.04.2025 at about 2:50 a.m., police apprehended the petitioner
at Masjid Chowk, Muzaffarpur, and recovered a country-made
pistol with cartridges and 120 sachets of smack weighing total
42 grams from his motorcycle.

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 petitioner has no concern either with the recovered arms or 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. The petitioner is in custody since 22-04-2025 and has got sixteen (16) criminal antecedents. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. There is no compliance of Section 103 of the BNSS, 2023.

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, recovery below 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.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with NDPS Case No. 76 of 2025, arising out of Mithanpura PS Case No. 92 of 2025, 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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