

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63547 of 2025

Arising Out of PS. Case No.-410 Year-2025 Thana- MADHAURAH District- Saran

Arjun Kumar S/o Raj Kumar Raut R/o Village- Pakahan, P.O. and P.S.-
Madhaurah, District- Saran at Chapra- 841418

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Adv.

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

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

ORAL ORDER

2 02-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Madhaurah P.S. case No. 410 of 2025 instituted for the offences
under Sections 317(4), 317(5) of the Bhartiya Nyaya Sanhita,
2023, Sections 25(1-b((a), 26, 35 of the Arms Act and Sections
8(c), 21(b) of the N.D.P.S. Act.

3. As per prosecution case, total 30 gram of smack like
substance has been recovered by the police in this case out of
which 8 gram is allegedly recovered from the petitioner's
possession. The police has also recovered one loaded country
made pistol, two live cartridges from the Jhola (bag) under
Palani (hut) beside the house of the petitioner.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case merely on the basis of suspicion. Petitioner is in custody since 05.06.2025 and has two criminal antecedents. Nothing incriminating material has been recovered from the conscious possession of the petitioner or from his house rather the alleged recovery has been made from behind the house of the petitioner which is an open place, accessible to one and all. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned counsel for the petitioners again submits that the co-accused namely Piysh Kumar has been granted bail by this Court vide order dated 19.08.2025 passed in Cr. Misc. No. 55671 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, clean antecedent, the period of custody undergone by the petitioner as also the taking into account the quantity of the seized contraband, this Court is inclined to grant bail to the petitioner.



8. 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 Madhaurah P.S. case No. 410 of 2025, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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