

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65620 of 2025

Arising Out of PS. Case No.-124 Year-2025 Thana- AURAI District- Muzaffarpur

Deepak Kumar @ Deepak Kumar Sharma S/o Umesh Sharma R/o Village -
Nayagaon Ghat, P.S - Aurai, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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

ORAL ORDER

2 16-09-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Aurai
P.S. Case No. 124 of 2025 instituted for the offence under
Section 317(2) of the Bharatiya Nyaya Sanhita, 2023, Sections
25(1-B)a & 26 of the Arms Act and Sections 8, 20(b)(II)(B) of
the NDPS Act.

3. Prosecution case, in short, is that police intercepted
two men on a motorcycle without a number plate. Upon search,
there is recovery a loaded pistol from Raja Kumar and 1.636 kg
ganja with looted mobiles from petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 14-06-2025. Petitioner



bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner has no concern with the recovered contraband and so far as recovery of arms is concerned, it would manifest from perusal of the FIR itself that the same is recovered from co-accused. It is submitted that even if the recovery of ganja from the possession of the petitioner is taken on its face value, the same is within the ambit of commercial quantity. Hence, there is no bar under Section 37 of the NDPS Act. There is no compliance of Sections 42 and 50 of the NDPS Act. There is no compliance of Section 103 of the BNSS, 2023.

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, period of custody of the petitioner and recovery below commercial quantity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail 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 Aurai P.S. Case No. 124 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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