

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79799 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- DANIYAWAN District- Patna

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Pawan Kumar @ Pawan Yadav Son of Late Ajay Yadav @ Bhuchchu Yadav
Mohalla- Ramlalpur, P.S.- Sahjahanpur, District- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha, Adv.
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

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

ORAL ORDER

3 06-02-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Daniyama P.S. Case No. 11 of 2024 instituted for the offences
under Sections 25(1-b)a/26/35 of the Arms Act and Sections 8,
20(b), 20(b)iiia of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered 96
grams of Ganja, a country made pistol and four live cartridges
of .315 bore from the Bonet of Engine of the Tractor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence at all as
alleged against him rather he has falsely been implicated in the
present case with a view to cause harassment. The petitioner is



not named in the F.I.R. and his name has transpired in this case during investigation on the basis of his own confessional statement. Actually, the petitioner is the Informant of the incident. Learned counsel for the petitioner further submits that the driver and the owner of the Tractor, in question, is Suraj Paswan and Sikandra Kumar, who were arrested on the spot itself. He further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner. Both the alleged mobile numbers which were mentioned in the F.I.R. do not belong to the petitioner. The petitioner has no concern with the alleged occurrence. Learned counsel for the petitioner submits that the quantity of alleged seized contraband is less than the small quantity, therefore, there is no rider of section 37 of the NDPS Act in allowing the bail application. There is also non-compliance of mandatory provisions of Section 42 and 50 of the N.D.P.S. Act. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has five criminal antecedents as stated in Para-3 of the present bail petition and is languishing in judicial custody since 04.07.2024 without any rhymes or reason. Charge-sheet has been submitted in this case and the cognizance has also been taken.



5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. He further submits that from the record, it appears that the petitioner has informed the police after implanting contraband and arms and ammunition in the tractor to implicate the owner of the alleged tractor.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner as also taking into account the quantity of the the recovered contraband, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Special Case (N.D.P.S.) No. 123 of 2024 arising out of Daniyama P.S. Case No. 11 of 2024.

(Rudra Prakash Mishra, J)

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