

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83457 of 2024

Arising Out of PS. Case No.-658 Year-2023 Thana- GOVINDGANJ District- East
Champanan

Raju Kushwaha Son of Late Asharfi Kushwaha Resident of village
-Chamapur , P.S. - Ramgharwa , At present Resident of Village - Koiriya
Tola ,P.S. - Sabiyata Nagar, Ward No.- 24 ,P.S.- Raxaul , District -East
Champanan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 19-03-2025 Heard Learned Counsel for the petitioner and Learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Govindganj P.S. Case No. 658 of 2023 (N.D.P.S G.R. Case
No.99 of 2023) lodged on 28.11.2023, for the offences
punishable under Sections 8, 20(b)(ii)(c), 23(c) of the N.D.P.S.
Act read with sections 25(1-b)a, 26 & 35 of the Arms Act.

3. Learned Counsel for the petitioner submits that
bail application of the petitioner has earlier been rejected *vide*
order dated 24.04.2024 passed in Cr. Misc. No. 13468 of 2024.
Counsel submits that bail application of the petitioner has earlier
been rejected on the ground that criminal antecedent of the
petitioner is not clean as there are two criminal cases pending
against him. Counsel further submits that though, in this case,
Arms Act and N.D.P.S. Act both are added, but recovery has



been made only under Arms Act, therefore, petitioner is not responsible for N.D.P.S. offence and is responsible only for Arms Act. Counsel further submits that petitioner is in custody since 29.11.2023.

4. Learned APP for the State opposes the prayer for bail of the petitioner and submits that bail application of the petitioner has earlier been rejected on merit and from the allegations, it transpires that both accused persons are in connivance with each other and with one person, there was *charas* and with the petitioner, *katta* was there. There are no separate case and one trial is going on.

5. In the present facts and circumstances of this case, it transpires to this Court that criminal antecedent of the petitioner is relating to N.D.P.S. Act and in the light of Section 37 of the N.D.P.S Act, this Court is not inclined to grant regular bail to the petitioner. Accordingly, the prayer for regular bail of the petitioner is hereby rejected.

(Dr. Anshuman, J)

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