

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82079 of 2025

Arising Out of PS. Case No.-898 Year-2024 Thana- SASARAM NAGAR District- Rohtas

Bikash Kumar @ Appu Kahar @ Appu S/O Bulaki Chandrabanshi Resident
of Village- Mubarakganj, Police Station- Sasaram Town, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

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

ORAL ORDER

2 28-11-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Sasaram (Town) P.S. Case No. 898 of 2024 instituted for the offence under Sections 21, 23, 25, 25A, 27(a), 29, 30 & 32 of the NDPS Act and Sections 25(1-B)a, 5 & 26 of the Arms Act.

3. The prosecution case, in brief, is that on secret information, a police raid was conducted at Mubarakganj Mohalla where several accused were apprehended. During the search, heroin weighing 930 grams, 722 grams, and 223 grams, totalling 1,875 grams, along with 25 live cartridges, one country made pistol, one pistol, two magazines, 14 live bullets, and two damaged rifles were recovered. Cash of Rs. 1,31,120/- and



multiple mobile phones were also seized from the accused. All articles were properly seized, and eleven accused persons were arrested under relevant provisions of the NDPS Act and Arms Act.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 03.11.2024. Petitioner bears five criminal antecedents, 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 merely on the uncorroborated confessional statement of a co-accused, despite no recovery being made from his possession or his house. The alleged articles were recovered from an abandoned house not belonging to him, and the police have failed to conduct a fair investigation. If the allegation is taken on its face value, petitioner on looking the police has thrown the drugs and arms keeping in bag on roof of next abandon house and police reached at said house and during search one country made pistol, one pistol, two magazines, 14 live bullets and one black colour bag containing therein heroin like substances measuring 223 grams recovered. There is no compliance of Sections 42 and 50 of the NDPS Act and Section 103 of BNSS.



Other co-accused has been granted bail by this Court vide order dated 17-11-2025, passed in Cr. Misc. No. 72936 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, period of custody of the petitioner and there being no recovery from the conscious possession of the petitioner, 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 Sasaram (Town) P.S. Case No. 898 of 2024, 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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