

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81651 of 2025

Arising Out of PS. Case No.-243 Year-2025 Thana- MAJORGANJ District- Sitamarhi

Kundan Kumar @ Aman Kumar @ Kumar Aman Son of Late Ashok Kumar Singh @ Ashok Singh Resident of Village- Dumrikala, P.S.- Majorganj, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 16-12-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Majorganj P.S. Case No. 243 of 2025, instituted for the offences punishable under Sections 25(1-B)(a), 26, 35 of the Arms Act and Section 27 of the NDPS Act.

3. Prosecution allegation, in short, is that there is recovery of one loaded country made pistol from the possession of the petitioner, one loaded country made pistol and one live cartridge have been recovered from the possession of co-accused Tausif Raja and one live cartridge along with 20 gram of Ganja has been recovered from the possession of co-accused Trinetram Singh.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner has neither got any concern with the recovery of arms nor with the Ganja. It is further submitted that recovery of Ganja has been made from the possession of co-accused, namely, Trinetram Singh. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 24.06.2025 and has got three criminal antecedents in which he is on bail. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the



like amount each to the satisfaction of Court below/concerned Court in connection with Majorganj P.S. Case No. 243 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)

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