

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84597 of 2025

Arising Out of PS. Case No.-300 Year-2025 Thana- DHAMDAHA District- Purnia

Saurabh Kumar Son of Chandan Kumar Gupta @ Chandan Gupta Resident of
Near Durga Ashthan, Dhamdaha North, P.S.- Dhamdaha, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 24-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Dhamdaha P.S. Case No. 300 of 2025 (G.R. No. 6399 of 2025) dated 19.10.2025 registered for the offences under Sections 25(1-b)a, 26 of the Arms Act.

3. As per prosecution case, on receipt of secret information, the police conducted raid under Section 41(2) of the N.D.P.S. Act and arrested the co-accused Bittu Kumar from whose possession 5.30 grams of smack were recovered. It is further alleged that based on the statement of the apprehended co-accused Bittu Kumar, the police conducted raid at the house of the petitioner from where two live cartridges were recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the



instant case. It has next been submitted that originally the Dhamdaha P.S. Case No. 299 of 2025 was instituted under Section 8(c), 21(b) of the Narcotic Drugs and Psychotropic Substance Act, in which the name of the petitioner was roped on the confession of the co-accused Bittu Kumar from whose possession 5.30 grams of smack was recovered and on whose confession, the name of the petitioner transpired and the search of the petitioner's house was made and during course of such search, two live cartridges were said to have been found out and, accordingly, another case being Dhamdaha P.S. Case No. 300 of 2025 came to be registered.

5. It is the case of the petitioner that the procedures of search and seizure as enumerated under Sections 103 and 105 of the B.N.S.S. Act, 2023 was not adhered and the petitioner has falsely been implicated in this case who is a student and has a prosperous career. It is next submitted that the case in which the petitioner was originally made accused in which the learned court of 3rd District and Additional Sessions Judge, Purnia granted the privilege of anticipatory bail on 14.11.2025.

6. Considering the fact that in the main case, the petitioner has already been granted privilege of anticipatory bail which originated the subsequent case in which the petitioner is



seeking anticipatory bail where the procedures of search and seizure as per the provisions of B.N.S.S. Act is said to have not been adhered to.

7. Learned APP for the State opposed the prayer for bail.

8. Be that as it may, considering the fact that in the main case, the petitioner has already been granted privilege of anticipatory bail, this Court is inclined to grant privilege of anticipatory bail to the petitioner as the process of seizure has been violated.

9. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the Court below within a period of four weeks from today on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Purnea, in connection with Dhamdaha P.S. Case No. 300 of 2025 (G.R. No. 6399 of 2025) subject to the condition as laid down under Section 482(2) of the BNSS, 2023.

(Ajit Kumar, J)

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