

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89280 of 2024

Arising Out of PS. Case No.-467 Year-2024 Thana- RANIGANJ District- Araria

Raja Yadav S/o- Mahesh Yadav Village- Bairakh ward no 13 PS- Raniganj,
Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rabindra Kumar Priyadarshi, Advocate Mr. Dheeraj Kumar, Advocate
For the Opposite Party/s :	Mr. Sanjay Kumar Tiwary, APP

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

ORAL ORDER

3 24-03-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Raniganj PS Case No. 467 of 2024 instituted for the offences
under Sections 21(b) of the NDPS Act and Section 25(1-B)a &
26 of the Arms Act.

3. Prosecution allegation, in short, is that there is
recovery of one country made pistol, two live cartridges and 8.5
gram smack from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet been submitted in this case. No
incriminating material has been recovered from the conscious
possession of the petitioner. Learned counsel for the petitioner



further submits that petitioner has no concern with the recovered arms and contraband. Learned counsel submits that recovery is made from the joint house of the petitioner, where other family members also resides. 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 19-10-2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act as also Section 103 of the BNSS, 2023.

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, recovery of contraband below 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 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 Raniganj PS Case No. 467 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

