

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19724 of 2026

Arising Out of PS. Case No.-157 Year-2025 Thana- Banuchhapar District- West Champaran

1. Bittu Kumar Sharma S/o- Shivdhyan Sharma Resident of Vill- Banu Chhapar, Badhai Tola, P.S.-Banu Chhapar, Dist- West Champaran
2. Shivdhyan Sharma S/o- Late Kailash Sharma Resident of Vill- Banu Chhapar, Badhai Tola, P.S.-Banu Chhapar, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sitesh Kashyap, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 8/20(b) (ii)(A) of NDPS Act, Sections 25(1-b)a, 26 and 35 of the Arms Act and Section 30(a) of Bihar Prohibition and Excise Act.

3. The case of the prosecution is that mud grain house of the petitioners, altogether 410 grams of ganja, one country made loaded pistol and 900 ml of country made foreign liquor were recovered.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence.



Learned counsel for the petitioners has submitted nothing has been recovered from the conscious possession of the petitioners. There is no independent witness of the seizure list rather they are police personnel. Police has not complied Section 105 of BNSS while preparing the seizure list. Moreover, they are languishing in judicial custody since 31.12.2025.

5. Learned APP appearing for the state has opposed the prayer of regular bail and has submitted that petitioner no. 1 is having criminal antecedent of two cases whereas petitioner no. 2 is having criminal antecedent of one case.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Banu Chhapar P.S. Case No. 157 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court-I, Bettiah, West Champaran.

(Ashok Kumar Pandey, J)

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