

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27867 of 2026

Arising out of PS. Case No.-1063 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Pushkar Singh @ Pushkar Kumar Singh Son of Bipin Bihari Singh Resident
of village- Bangari PS- Pipra Kothi District- East Champaran.

... Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate

For the Opposite Party/s : Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

3 13-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in Turkauliya P.S. Case
No. 1063 of 2023 registered under Sections 399 and 402 of the
Indian Penal Code, Sections 25(1-B)a, 26 and 35 of the Arms
Act and Sections 8 and 20(b)(ii)(c) of NDPS Act.

3. The allegation is that one country-made pistol and
two cartridges and 1.28 Kgs ‘Charas’ was recovered from the
possession of the petitioner. The petitioner carries large number
of antecedents.

4. Learned counsel for the petitioner submits that the
petitioner is in custody since 10.10.2023 and even the charges
have not been framed in the case.



5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. That the court is conscious of the fact that in cases of commercial quantity, there is a ban under Section 37 NDPS Act. However, the same cannot override the fundamental right of speedy trial, held to be part and parcel of Article 21 of the Constitution of India.

7. Considering the decision of Hon'ble Supreme Court in the case of **Dheeraj Kumar Shukla V. State of Uttar Pradesh** reported in **2023 SCC Online SC 918** and in the case of **Nitish Adhkary alias Bapan V. State of West Bengal** reported in **2022 SCC Online SC 2068** and that the petitioner is in custody since 10.10.2023 and even the charges have not been framed, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge/Special Judge, East Champaran at Motihari in connection with Turkauliya P.S. Case No. 1063 of 2023.

9. It is made clear that any observation made



herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Ansul, J)

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