

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53050 of 2025

Arising Out of PS. Case No.-111 Year-2025 Thana- BARAULI District- Gopalganj

Om Prakash @ Bittu S/o Shyamnand Prasad @ Shyamnandan Prasad R/o
Village- Panapur, P.S.- Minapur, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 09-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Barauli
P.S. Case No. 111 of 2025 registered for the offence under
Sections 303(2), 313, 317(4), 317(5) of Bhartiya Nyay Sanhita,
2023 (in short, the 'B.N.S.'), Section 25(1-B)a, 26 and 27 of
Arms Act and Section 8(c) and 21(b) of Narcotic Drugs and
Psychotropic Substances Act.

3. The petitioner is named in the F.I.R. and is in custody
since 24.04.2025.

4. Allegation against petitioner is to have in possession
of 14.67 gram of smack wrapped in polythene, one loaded country
made pistol, four blue color gallon each of 40 liters, out of which
two was empty and two was filled with diesel like substance, 10



feet pipe alongwith other co-accused persons.

5. Learned counsel appearing on behalf of the petitioner submitted that recovery of contraband and fire arms as alleged was not made from the conscious physical possession of this petitioner. It is pointed out that petitioner has no connection with Maruti Suzuki which was found carrying of seized materials including contraband and country made pistol. It is pointed out that contraband and pistol were recovered from dickey of the car which was not in the knowledge of petitioner.

6. It is pointed out that the implication of this petitioner with present case is only for the suspicion arising out of his criminal antecedents as he found involved in five more criminal cases of different nature where he is on bail.

7. While concluding argument, it is submitted that as recovered quantity of contraband (smack) is less than commercial quantity therefore rigors of Section 37 of NDPS Act not appears applicable in present case and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

8. Learned APP while opposing the prayer of bail submitted that the petitioner was actively involved in stealing of diesel from different vehicle and he was also found in possession



of contraband and country made pistol alongwith other co-accused person.

9. In view of aforesaid factual submission and by taking note of fact as quantity of contraband which is less than commercial quantity, coupled with fact that recovery of country made pistol and contraband *prima-facie* not appears made from conscious physical possession of this petitioner, where petitioner remains in custody since 24.04.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Principal Sessions Judge, Gopalganj/concerned court, in connection with Barauli P.S. Case No. 111 of 2025, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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