IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77609 of 2026

CNR No. BRHC011121332026

Arising Out of PS. Case No.-203 Year-2026 Thana- BARGAINIA District- Sitamarhi

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Shivam Kumar S/o Satynarayan Ray R/o Village - Sijuaa Ward No.3 Bahera, PS - Majorganj, District - Sitamarhi

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Krishna Murari, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 04-11-2026 Heard the learned counsel for the petitioner and learned APP for the State.

2. Petitioner, who is in custody, seeks bail in connection with Bairganiya P.S. Case No. 203 of 2026 registered for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act and under Sections 20(b)(ii)(B) of NDPS Act.

3. As per the FIR, the police during vehicle check intercepted a motorcycle and apprehended two persons, who disclosed their names as Shivam Kumar and Rahul Kumar. On search, one country-made pistol, four live cartridge and a bag containing 4 kg *Ganja* was recovered from the co-accused Rahul Kumar.

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4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. It has further been submitted that admittedly, the recovery has been made from the co-accused Rahul Kumar and it is alleged that the petitioner was driving the motorcycle. It has also been pointed out that the petitioner having three criminal antecedents has falsely been implicated in the present case and the procedure of seizure has not been followed in the present case. It has lastly been submitted that the petitioner is in custody since 07.08.2026.

5. The learned A.P.P. has vehemently opposed the prayer for bail.

6. Having heard the learned counsel for the parties and considering the fact that no recovery has been made from the conscious possession of the petitioner and also the fact that during interrogation, the co-accused has disclosed that the contraband belong to one Anuj Kumar, 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 court below where the case is pending/successor court in connection Bairganiya P.S. Case No. 203 of 2026, subject to the following conditions:-

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(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(vi) In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Sitamarhi within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch

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in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned, order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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