IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68218 of 2026

CNR No. BRHC010945502026

Arising Out of PS. Case No.-118 Year-2026 Thana- BHUTAHI District- Sitamarhi

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Shivam Kumar Son of Hardas Mahto Resident of Bhaluaha, P.S.- Sonbarsa, District- Sitamarhi

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Chitransh Raj, Adv.
For the Opposite Party/s : Md. Mushtaque Alam, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

3 23-11-2026 Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with Bhutahi P.S. Case No. 118 of 2026, registered for the offences punishable under Sections 308(4), 308(5), 351(2), 351(3) and 3(5) of the BNS and Sections 25(1-b)a and 26/35 of the Arms Act and Sections 21(b)/22 of the NDPS Act.

3. As per allegation, on 28.05.2026 at about 07:30 A.M., the petitioner along with two other co-accused persons, arrived at the informant's petrol pump on a

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motorcycle, armed with a country-made pistol, and demanded Rs. 2,00,000/- as extortion money, threatening to kill the informant. It is further alleged that the petitioner pointed a country-made pistol at the informant, whereupon the petrol pump staff apprehended the petitioner and one co-accused, while the third accused managed to escape. Upon search, one country-made pistol and two live cartridges were allegedly recovered from possession of the petitioner, besides four bottles of codeine-based cough syrup, each containing 100 ml, from the dickey of the motorcycle.

4. Learned counsel appearing on behalf of the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner was merely a passerby who intervened in a dispute between the petrol pump staff and a motorcycle rider over the alleged short supply of petrol. It is further submitted that the motorcycle from whose dickey four bottles of cough syrup, each containing 100 ml, were allegedly recovered, does not belong to the petitioner, nor does he have any concern with the same. It is also submitted that there is a contradiction in the prosecution case

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regarding the alleged recovery of the country-made pistol, as only one firearm has been shown to have been recovered in the seizure memo. Thus, no offence under the NDPS Act is made out against the petitioner. Learned counsel has further submitted that co-accused Shiju Kumar has already been granted bail by a Co-ordinate Bench of this Court vide order dated 26.10.2026 passed in Cr. Misc. No. 58898 of 2026. It is also submitted that the alleged recovery of 400 ml of codeine-based cough syrup from the motorcycle falls within the ambit of intermediate quantity. It is further submitted that the petitioner is involved in two cases, in which, he is on bail. The petitioner has been in judicial custody since 29.05.2026. Lastly, learned counsel for the petitioner undertakes that the petitioner shall cooperate with the trial and shall not indulge in the commission of any offence in future.

5. On the other hand, learned APP appearing for the State has opposed the prayer for bail but has stated that only a country-made pistol along with two live cartridges is alleged to have been recovered from the possession of the petitioner.

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6. Taking into consideration the entire facts and circumstances of the case, coupled with the undertaking given by the petitioner and the fact that he has remained in judicial custody for almost six months, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Principal Sessions Judge-cum-Special Judge (NDPS)/concerned Court, Sitamarhi in connection with Bhutahi P.S. Case No. 118 of 2026, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below shall verify the criminal antecedent of the petitioner and if

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he is found involved in any case other than the two cases, his bail bond will not be accepted. The cases mentioned in paragraph no. 3 of the main bail application are as follows:-

(a) Sonbarsa P.S. Case No. 333 of 2024.

(b) Kanhauli P.S. Case No. 193 of 2023.

(v) It is also made clear that there shall be no delay in verifying the criminal antecedent of the petitioner and the delay shall not extend beyond a period of ten days.

(vi) If he repeats any offence of similar nature, his bail bond shall be liable to be cancelled immediately by the learned court below.

(Raj Kumar, J)

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