

**In the Court of Md. Gheyasuddin District & Addl. Sessions Judge- I-Cum Special  
Judge NDPS, Vaishali at Hajipur, 1**

**In the Court of Md. Gheyasuddin District & Addl. Sessions Judge- I-Cum  
Special Judge NDPS  
Vaishali at Hajipur,  
Sarai PS Case No.- 14/2024**

**NDPS No.-29/2024**

**Order**

**06.12.2025** A bail petition on behalf of the petitioner Badal Kumar, Aged-22 years, Son of Late Kali Mishra who is in custody since 25.01.2024 in connection with Sarai PS Case No.- 14/2024 filed and moved.

The prosecution case in short is that on 24.01.2024 at 10:25 AM when the informant along with other personnel reached in the mango orchard, on seeing the police vehicle nine persons started to flee away, out of whom seven persons were apprehended and two persons succeeded to flee away. The apprehended accused persons disclosed their name as Rishu Kumar Singh @ Rishu Kumar, Badal Kumar, Abhishek Ray @ Goba @ Bojha, Ankit Pathak, Golu Kumar, Murlidhar Kumar @ Munna and Ankit Kumar. It is further alleged that on search one country made pistol along with live cartridge has been recovered from the possession of accused Badal Kumar. One country made pistol along with one live cartridge has been recovered from the possession of accused Golu Kumar @ Daya. Three Smart phones have been recovered from the possession of Murlidhar Kumar @ Munna Kumar. Two smart mobiles phone, one of Nokia and another of Vivo company have been recovered from the possession of Ankit Pathak and one Smart Phone has been recovered from the possession of Ankit Kumar. It is further alleged that in course of searching body of accused Rishu Kumar 1 kg 50 gram narcotics substance like as AFIM/CHARAS has been recovered and 250 grams Narcotics substance like as Charas and a mobile phone have been recovered from the

possession of Abhishek Ray @ Bojha. The apprehended accused Rishu Kumar disclosed the name of the persons who fled away as Ghanshayam Thakur and Prince Kumar. Accordingly, the seizure list was prepared and the apprehended accused persons were arrested.

Learned counsel for petitioner submitted that petitioner is innocent and he has committed no offence whatsoever as alleged. It is further submitted that petitioner has criminal antecedent against his name in (i) Sarai PS case no. 11/2024, u/s 302, 120(B) of IPC and section 27 of Arms Act. It is further submitted that allegation against petitioner is false and concocted. It is further submitted that no any alleged articles has been recovered from the conscious possession of petitioner. It is at last submitted that petitioner is ready to abide by all the terms and conditions which are imposed upon him and is ready to furnish sound bail bond of local bailors to the satisfaction of the learned court. It is therefore prayed that petitioner be allowed regular bail.

Learned Special Public Prosecutor opposed the prayer for bail and submitted that police has recovered one country made pistol along with live cartridge from the possession of accused Badal Kumar and total 1kg 300 gram charas recovered in the matter and hence this is not a fit case to admit the petitioner to regular bail and hence his bail application is fit to be rejected.

Heard the parties and perused the record. After perusal of record and case diary, it transpires that the accused petitioner is named in the FIR alongwith other accused persons. It is alleged that the petitioner has committed the alleged offences in the company of other co-accused persons as mentioned in the FIR. From the FIR it also appears that accused/petitioner along with other co-accused persons have assembled

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for committing robbery in the banks situated at Sarai/Bhagwanpur. The seizure list is mentioned in para 2 of the case diary in which total 1kg 300 gram charas along with mobile phone were seized from the possession of the co-accused and from the possession of petitioner one country made pistol along with live cartridge has been recovered. The petitioner has one criminal antecedent against his name. He is shown to be accused in (i) Sarai PS case no. 11/2024, u/s 302, 120(B) of IPC and section 27 of Arms Act. Para 50 of the case diary shows that the petitioner along with other co-accused persons were also remanded on 08.02.2024 in Sarai PS Case no.11/2024, dated 17.01.2024, u/s 302, 120(B) of IPC and 27 of Arms Act from which it appears that the petitioner is members of gang and he is habitual to commit such type of offences. The witnesses have also supported the prosecution case in para 5,6,7,8 and 9 of the case diary.

In the above facts, circumstances of the case, considering the fact that one country made pistol along with live cartridge has been recovered from the conscious possession of petitioner and and total 1kg 300 gm charas of commercial quantity has been recovered in the matter, nature of offences and criminal antecedant of the petitioner, I am not inclined to enlarge the accused petitioner on regular bail and hence the bail application so filed on his behalf is hereby rejected.

Dictated

Md. Gheyasuddin  
District & Addl. Sessions Judge-I-  
Cum Special Judge NDPS  
Vaishali at Hajipur.  
06.12.2025