

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4573 of 2025

Arising Out of PS. Case No.-469 Year-2024 Thana- NAANPUR District- Sitamarhi

Raj Kumar Sahni @ Raj Kumar Sahani S/O Shivji Sahni R/O Village- Raipur,
P.S. - Nanpur, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv.

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Nanpur
P.S. Case No. 469 of 2024 instituted for the offences under
Section 8/20 (b)(ii)(A) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
total 500 grams Ganja from the motorcycle of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence at all as
alleged against him rather he has falsely been implicated in the
present case only due to dirty village politics and with a view to
cause harassment. He further submits that nothing incriminating
has been recovered from the conscious/physical possession of



the petitioner. The petitioner has no concern with the seized contraband. Learned counsel for the petitioner submits that the quantity of alleged seized contraband is less than the small quantity, therefore, there is no rider of section 37 of the N.D.P.S. Act in allowing the bail application. There is non-compliance of mandatory provisions of Section 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has nine criminal antecedents and is languishing in judicial custody since 15.09.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature and the petitioner has nine criminal antecedents.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner as also taking into account the quantity of the recovered contraband, which is below the small quantity, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nanpur P.S. Case No. 469 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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