

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4052 of 2025

Arising Out of PS. Case No.-122 Year-2024 Thana- KHODAWANDPUR District- Begusarai

Sonu Kumar @ Sonu Sahni S/o Sujit Sahni R/o vill - Hakimabad, ward no. 7,
P.S. - Mufassil, Distt.- samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Khodawanpur P.S. Case No. 122 of 2024 (N.D.P.S. Case No. 46 of 2024) dated 18.09.2024, instituted for the offence punishable under Sections 20(b) (II)(A) and 8 of the N.D.P.S. Act.

3. The allegation is of recovery of 800 grams Ganja like substance from the plastic bag of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that nothing has been recovered from the conscious possession of the petitioner rather the same was recovered from the plastic bag, which does not belong to the petitioner. It is also submitted that from perusal of FIR, it is



evident that the members of the prosecution party have themselves become the witness of seizure list, which is violation of mandatory provision of Section 50 of N.D.P.S. Act for search and seizure. It is next submitted that F.S.L. report has not come in this case till date. Lastly, it has been submitted that the petitioner is in custody since 20.09.2024; he has one criminal case against him and charge-sheet has been submitted in the case without F.S.L. report.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st cum Special Judge N.D.P.S. Act, Begusarai in Khodawanpur P.S. Case No. 122 of 2024 (N.D.P.S. Case No. 46 of 2024), subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Sankalp/-

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