

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19019 of 2025

Arising Out of PS. Case No.-4 Year-2025 Thana- CHHATAUNI District- East Champaran

Deepak Sahani Son Of Nagina Sahani @ Nagina Sahni Resident Of Village -
Madhopur Malahi Tola, Police Station - Majhauriya, District - West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 08-07-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks regular bail in a case registered
for the offences punishable under Sections 20(b) and 22 of the
N.D.P.S. Act.

3. As per the prosecution case, the police on secret
information intercepted a bus and apprehended one person who
disclosed his name as Deepak Sahani and on search of one of
the bag being carried by the petitioner, total 5.081 kg of *ganja*
was recovered.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
this case and no recovery has been made as alleged from his



conscious possession. He further submits that from the seizure list, it would be evident that there was no independent witness to such seizure, despite the fact that the petitioner was apprehended from a bus carrying passengers. It is further submitted that even if the quantity is taken into account, the same falls below commercial quantity, and thus rigors of Section 37 of the N.D.P.S. Act are not attracted. It is lastly submitted that the petitioner has no criminal antecedent and is in custody since 04.01.2025.

5. Learned APP for the State has vehemently opposed the prayer for bail and has stated that the petitioner was found to be carrying 5.081 kg of *ganja*, which is higher than the small quantity hence, he does not deserve the liberty of bail.

6. Considering the aforesaid submissions of the parties and taking into account the fact that the petitioner has clean antecedent and the quantity seized is less than commercial quantity, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran, Motihari in connection with Chhatauni P.S. Case No. 04 of 2025, subject to the following conditions:-



- (i) One of the bailors will be close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.
- (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 canceled by the Court concerned.
- (iv) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

7. Accordingly, the bail application stands allowed.

(Sourendra Pandey, J)

Sudhanshu/-

U		T	
---	--	---	--

