

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24163 of 2025

Arising Out of PS. Case No.-196 Year-2023 Thana- CHAKIA District- East Champaran

Sanjeet Choudhary Son of Prabhu Choudhary Resident of Village - Hindu
Chakia, P.S.- Chakia, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak

For the Opposite Party/s : Mr.Kalyan Shankar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 18-11-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with NDPS Case No. 35 of 2024/CIS No. 35 of 2024 arising out of Chakia P.S. Case No. 196/2023 dated 29.05.2023 registered for the offences punishable u/ss 20(b)(ii)(c), 23 and 25 of the N.D.P.S. Act.

3. As per the prosecution case, total 1.430 kgs. of charas was recovered from the possession of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with



the alleged recovery. As per the Letter No. 193/2025, dated 02.07.2025 issued by the learned court below, out of total seven charge-sheeted witnesses only four witnesses have been examined till date. The petitioner is in custody since 30.05.2023 while the charge has been framed against the petitioner on 28.01.2025. Learned counsel has further submitted that the trial is not likely to be concluded in near future. Learned counsel has placed reliance on the judgment of Supreme Court in the case of **Rabi Prakash vs. The State of Odisha in Special Leave to Appeal (Crl.) No(s) 4169 of 2023** has held that “ *As regard to the twin conditions contained in Section 37 of the NDPS Act, learned counsel for the respondent-State has been duly heard. Thus, the 1st condition stands complied with. So far as the 2nd condition re: formation of opinion as to whether there are reasonable grounds to believe that the petitioner is not guilty, the same may not be formed at this stage when he has already spent more than three a half years in custody. The prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37(1)(b)(ii) of the NDPS Act.*” Learned counsel has further



submitted that only 1 witness out of 19 witnesses was examined in the aforesaid case. The petitioner has also accused in nine criminal cases of different nature as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner and submitted that the seized contraband is of commercial quantity i.e. total 1.430 Kgs of Charas. The seized contraband was recovered from conscious possession of the petitioner. Learned counsel has further submitted that the petitioner had no valid authorization for keeping the seized contraband.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, East Champaran, Motihari in connection with NDPS Case No. 35 of 2024/CIS No. 35 of 2024 arising out of Chakia P.S. Case No. 196/2023, with further condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of



the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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