

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23766 of 2025

Arising Out of PS. Case No.-98 Year-2024 Thana- HARSIDHI District- East Champaran

Murat Sah Son of Brij Mohan Sah @ Brijlal Prasad Resident of village -
Semra Bazar, P.S.- Turkauliya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

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

ORAL ORDER

2 17-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Harsidhi P.S. Case No. 98 of 2024 instituted for the offences under Sections 30(a) of the Bihar Prohibition and Excise Act and Section 21(b) of the N.D.P.S. Act.

3. Prosecution case, in short, is that 4 litres of spirit and 30 piece Anxit 0.5 tablets have been recovered in this case.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner was not apprehended on the spot. The name of the petitioner transpired in this case on the basis of disclosure made by the apprehended co-accused person. Petitioner is in custody



since 25.01.2025 and has three criminal antecedents. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner rather the recovery has been made from the co-accused person who was apprehended on the spot. Petitioner has no concern with the alleged recovery. The recovered contraband is below the commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. The co-accused person who was apprehended on the spot and from whose possession the alleged recovery was made has already been granted bail by this Court vide order dated 12.06.2024 passed in Cr. Misc. No. 40942 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, recovered contraband being less than commercial quantity, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail 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 Harsidhi P.S. Case No. 98 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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