

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30001 of 2025

Arising Out of PS. Case No.-11 Year-2025 Thana- Basmatia District- Araria

Subhash Kumar Sah S/o Ram Chandra Sah R/o Village- Lokai, Ward No. 01,
P.S.- Basmatiya, District- Sunsari (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kanchan Jha, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 06-08-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Basmatiya P.S. Case No. 11 of 2025 for the offence under sections 8(c), 21(c), 22 and 23 of the NDPS Act lodged on 07.02.2025 by the informant, Rathindra Madhi.

3. As per the prosecution story, the informant on secret information, intercepted the accused at the Indo-Nepal border and there is recovery/seizure of 66 grams brown sugar like substance. This led to the FIR.

4. Learned counsel for the petitioner submits that he has no criminal antecedent, is in custody since 08.02.2025, falsely implicated and in any case, the recovery/seizure is below the commercial quantity.

5. Learned APP though opposes prayer concede that it



is below the commercial quantity.

6. Taking into account the submissions of the parties as also the fact that the petitioner has no criminal antecedent and the recovered/seized material is below the commercial quantity, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge N.D.P.S., Araria in connection with Basmatiya P.S. Case No. 11 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his



attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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