

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34021 of 2025

Arising Out of PS. Case No.-32 Year-2024 Thana- Basmatia District- Araria

Sunil Rae @ sunil Rai S/o Late Raj Bahadur Rai R/o Village- Jhumka,
W.No. 05, P.S.- Jhumka, District- Sunsari (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Syed Mojibur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 29-05-2025 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Basmatia P.S. Case No. 32 of 2024, registered for the offences
punishable under Sections 8(c), 21(b), 22 & 23 of the N.D.P.S.
Act. Petitioner has one criminal antecedent.

3. As per the prosecution case, the informant has
stated that on secret information, two persons, namely, Tulsi
Ram Chaudhary and Sunil Rae @ Sunil Rai (petitioner) were
apprehended and on search 15.90 gram brown sugar was
recovered from the nearby bush.

4. The learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. He further submits that the petitioner was not apprehended



with the said narcotic substance and though the petitioner has one criminal antecedent, he is in custody since 27.08.2024. It has lastly been submitted that the co-accused, namely, Tulsi Ram Chaudhary has already been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 09.12.2024, passed in Criminal Misc. No. 83118 of 2024.

5. The learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that the brown sugar was recovered from the possession of the petitioner and the other co-accused person and hence, petitioner does not deserve the liberty of bail.

6. Considering the aforesaid submissions made by the parties and taking into account that the recovery was not made from the conscious possession of the petitioner and the petitioner is in custody since 27.08.2024, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Session Judge cum Special Judge, NDPS, Araria, in connection with Basmatia P.S. Case No. 32 of 2024,



subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(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 cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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