

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36489 of 2025

Arising Out of PS. Case No.-11 Year-2022 Thana- SARAIYA District- Muzaffarpur

Raj Kumar Sah S/o Papu Sah @ Sanjay Sah R/o Mohalla- Brahmpura
Noonphar, P.S.- Brahmpura, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
N.D.P.S. Case No.28 of 2022 arising out of Saraiya P.S. Case
No.11 of 2022 lodged on 04.01.2022, for the offence punishable
under Section 414 of the Indian Penal Code read with sections
20 & 22 of the N.D.P.S. Act and sections 25(1-b)a, 26, 35 & 27
of the Arms Act.

3. As per the prosecution, FIR has been lodged against
five named accused persons (including the present petitioner)
and one unknown person. As per the allegation in the FIR, three
criminals were fleeing but caught by the local villagers and
when police reached at the spot, they saw that those criminals



were badly injured. On the basis of search, one loaded pistol with one live cartridge, Rs.10,000/- in cash and 2.1766 mg smack has been recovered from the petitioner's possession.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the alleged recovery of 2.1766 mg smack is less than the commercial quantity. Counsel submits that the criminal antecedent of the petitioner is not clean as there are two cases pending against him in which, in one case, he is on bail and in another, he is persuading for bail. Counsel further submits that the petitioner is in custody since 05.01.2022 in this case. Counsel submits that in the present case, charge has already been framed and no purpose would be served keeping the petitioner in custody.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that arms as well as N.D.P.S material both have been recovered from the conscious possession of the petitioner. And the petitioner is in custody since 05.01.2022, having two criminal antecedents.

6. In the present facts and circumstances of this case, let the petitioner above named be granted bail after framing of charge if not framed as well as on being satisfied by the Trial



Court that the petitioner is not absconding in any of the cases pending against him whose details are mentioned below, and on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of Exclusive Special Judge N.D.P.S-II, Muzaffarpur in connection with N.D.P.S. Case No.28 of 2022 arising out of Saraiya P.S. Case No.11 of 2022, subject to the conditions as laid down U/s 480(3) of the B.N.S.S., 2023.

7. Pending cases against the petitioner are as follows:-

(I)- Dumra P.S. Case No. 91 of 2018.

(II)- Saraiya P.S. Case No. 10 of 2022.

(Dr. Anshuman, J)

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