

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41787 of 2025**

Arising Out of PS. Case No.-190 Year-2024 Thana- SARSI District- Purnia

Sajan Mehta @ Sajan Kumar S/o Anil Mehta @ Anil Kumar Mehta R/o  
Village- Jagni, P.S.- Champanagar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Mr. N.K. Agrawal, Advocate   |
|                          | : | Dr. Bidhu Ranjan, Advocate   |
| For the Opposite Party/s | : | Mr. Sanjay Kumar Tiwary, APP |

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

ORAL ORDER

3      14-07-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Sarsi  
P.S. Case No. 190 of 2024 instituted for the offences under  
Sections 8(c), 21(b) of the N.D.P.S. Act.

3. Prosecution case, in short, is that, police during  
vehicle checking stopped a Bolero vehicle and apprehended two  
persons. From the apprehended accused, namely, Rahul Kumar  
Mehta, 98.99 grams of brown sugar (smack) was recovered and  
from the vehicle, Rs. 88,000/- was also recovered.

4. Learned counsel for the petitioner submitted that the  
petitioner has falsely been implicated in the present case.  
Petitioner is in custody since 11.03.2025 and has one criminal



antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The recovery of the contraband has been made from the co-accused namely, Rahul Kumar. Learned counsel further submitted that the name of the petitioner was disclosed by the apprehended accused persons. No incriminating material has been recovered from the conscious possession of the petitioner and, as a matter of fact, petitioner was not apprehended at the place of occurrence. The recovered contraband is below 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 has already been granted bail by this Court vide order dated 09.05.2025 passed in Cr. Misc. No. 3594 of 2025.

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, recovery of contraband being less the commercial quantity 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 Sarsi P.S. Case No.  
190 of 2024.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

