

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52083 of 2025

Arising Out of PS. Case No.-385 Year-2025 Thana- KATIHAR NAGAR District- Katihar

Rakesh Kumar Sahni @ Pale Sahni Son of Tilak Sahni Village- Laliyahi, PS-
Katihar Sahayak, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr.Zainul Abedin, APP

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

ORAL ORDER

2 14-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Katihar
(Town) P.S. Case No. 385 of 2025 instituted for the offences
under Sections 8(c), 21(b), 22(b), 29 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 21.93 grams
of smack has been recovered from the possession of the
petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Petitioner is in
custody since 21.04.2025 and has four criminal antecedents.
There is no allegation of tampering of witnesses alleged against



the petitioner. Nothing incriminating material has been recovered from the conscious possession of the petitioner rather the recovery has been made from the joint possession of the named co-accused persons. The petitioner has no concern with the alleged seized contraband. The quantity of 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.

5. Learned counsel for the petitioners again submits that the co-accused namely Ajay Kumar and Amit Ram have been granted bail by this Court vide orders both dated 30.07.2025 passed in Cr. Misc. Nos. 47051 of 2025 and 47178 of 2025 respectively.

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

7. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner as also the prayer for bail being based on parity, this Court is inclined to grant bail to the petitioner.

8. 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 Katihar (Town) P.S.
Case No. 385 of 2025, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family
members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall
be properly represented on each and every date fixed by the
court and shall remain physically present as directed by the
Court and in the event of failure on two consecutive dates
without sufficient reasons, his bail bond shall be liable to be
cancelled by the court below.

(Rudra Prakash Mishra, J)

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