

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52654 of 2025

Arising Out of PS. Case No.-77 Year-2024 Thana- HARSIDHI District- East Champaran

Santosh Sahani @ Santosh Chaudhary @ Santosh Chaudhari S/o- Sheo
Narayan Sahani @ Shivnarayan Chaudhary Village- Ghoghraha Bariya Dih,
P.S.- Harsidhi, Districct- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Adv.

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

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

ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has earlier moved before this Court with a prayer for anticipatory bail which was rejected vide order dated 13.09.2024 passed by a Co-ordinate Bench of this Court in Cr. Misc. No. 52607 of 2024.

3. The petitioner seeks bail in connection with Harsidhi P.S. Case No. 77 of 2024 instituted for the offences under Sections 20(B)(ii)(C), 22(c), 23(C) of the Narcotic Drugs and Psychotropic Substance Act and Section 30(a) of the Bihar Prohibition and Excise Act.

4. As per prosecution case, the police has recovered total 150 liters of illicit spirit from the house of the co-accused



as well as 1 Kg. Charas contained in two packets from the dickey of the motorcycle.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner was not arrested from the place of occurrence and his name has surfaced in this case on the basis of the disclosures made by the apprehended co-accused persons. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern either with the seized liquor or the alleged contraband. The petitioner has also no concern with the alleged motorcycle. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. There is also no compliance of Sections 42 and 50 of the N.D.P.S. Act. The petitioner has three criminal antecedents and is languishing in judicial custody since 09.04.2025 without any rhymes or reason.

6. Learned counsel for the petitioners again submits that the co-accused persons have been granted bail by a Co-ordinate Bench of this Court vide orders dated 10.07.2024, 06.09.2024 and 18.12.2024 passed in Cr. Misc. Nos. 46784 of 2024, 59762 of 2024 and 70844 of 2024 respectively.



7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner as also the prayer for bail being based on parity, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Harsidhi P.S. Case No. 77 of 2024.

(Rudra Prakash Mishra, J)

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