

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56170 of 2025

Arising Out of PS. Case No.-38 Year-2025 Thana- SUKHANI District- Kishanganj

Rahil Alam S/O Wajuddin R/O Vill.- Jiyapokhar, P.S.- Jiyapokhar, District- Kishanganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the State : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-08-2025 Heard the parties.

2. The petitioner is in custody in connection with Sukhani P.S. Case No. 38 of 2025 for the offence punishable under sections 8, 8(c), 20(b)(ii)(b) and 21(a) of the N.D.P.S. Act, lodged on 13.06.2025 by the informant, Shri Vas Chandra Rai.

3. As per the prosecution story, it has been alleged that on secret information, the house of Vishal Gupta was raided, two persons were arrested namely Vishal Kumar Gupta and Rahil Alam (petitioner herein), upon search, there is recovery/seizure of DD Kit Test, 18 bottles of 300ml wine, 1.220 Kilogram ganja and 1.63 gram smack. This led to the F.I.R.

4. Learned counsel for the petitioner submits that admittedly, recovery/seizure is from the house of Vishal Kumar



Gupta, he being the friend was visiting the place, got arrested, has no criminal antecedent. Further submission is that the recovered ganja/smack is/are below the commercial quantity.

5. Learned APP opposes the prayer for bail submitting that the petitioner was present when the recovery/seizure has been made.

6. Taking into account the aforesaid facts as also that the petitioner has no criminal antecedent, is in custody since 14.06.2025, the recovered/seized material is below the commercial quantity in that background, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge (NDPS Act), Kishanganj, in connection with Sukhani P.S. Case No. 38 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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