

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57433 of 2025

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

Sarfaraz S/o Salauddin R/o Village- Jiyapokhar, P.S.- Jiyapokhar, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor, representing 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.

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, 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 the petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case merely on the basis of suspicion. Further submission is that the recovered ganja/smack is/are below the commercial quantity. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner rather the alleged recovery of ganja, smack and wine has been made from the house of the co-accused Vishal Kumar. The petitioner has no criminal antecedent and is in custody since 14.06.2025. Learned counsel for the petitioner further submits that the co-accused Rahil Alam has already been granted bail by a Co-ordinate Bench of this Court vide order dated 12.08.2025 passed in Cr. Misc. No. 56170 of 2025.

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

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, the petitioner having no criminal antecedent, the recovered/seized material being below the commercial quantity, 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 Court
below/concerned Court in connection with Sukhani P.S. Case
No. 38 of 2025.

(Rudra Prakash Mishra, J)

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