

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62950 of 2025

Arising Out of PS. Case No.-12 Year-2023 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Saran

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Rajesh Sah Late Baidyanath Sah R/o Vill- Sindhwaliya, Ward no. 11, P.S.-
Kangali, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Union of India through Zonal Director, Narcotics Control Bureau, Patna
Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Satyendra Prasad, APP
For NCB	:	Mr. Radhika Raman, Sr. Advocate
	:	Mr. R.T. Singh, CGC

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

ORAL ORDER

4 14-11-2025 Heard learned counsel for the petitioner and learned
counsel appearing for NCB and learned APP for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 14 of 2024 arising out of NCB Case No. 12 of 2023
instituted for the offence under Sections 67, 8(c), 20(b)(ii)(c), 25
and 29 of the N.D.P.S. Act.

3. Earlier vide order dated 04.10.2024 passed in Cr.
Misc. No. 19525 of 2024 regular bail of the petitioner was
rejected by this Court.

4. Prosecution case, in short, is that the police, on
receiving secret information, intercepted a motorcycle and



apprehended two persons, Subhash Sah and Pramukh Pandit. On conducting their search, the police recovered 15.900 kg of Charas from their possession.

3. Learned counsel for the petitioner submits that the present one is the second attempt for grant of regular bail to the petitioner. It is mainly submitted that cognizance was taken against the accused persons including the petitioner on 12.02.2024 and thereafter, charge was framed against the petitioner and one Vinod Rai under Sections 25 and 29 of the NDPS vide order dated 13.11.2024 and thereafter, only two witnesses have been examined. It has been submitted on behalf of the petitioner that the petitioner is in custody since 06.10.2023. Learned counsel further submits that there is no likelihood of the trial being concluded in the near future. Learned counsel further submitted that there is no recovery of contraband from the conscious possession of the petitioner rather the recovery of contraband has been made from the co-accused persons from whose possession, the motorcycle of the petitioner was also recovered. He further contended that the petitioner is being dragged in this case merely because the petitioner happens to be the owner of the motorcycle which was recovered from the co-accused person while seizing the



contraband. Learned counsel further submitted that the co-accused person has already been granted anticipatory bail by this Court vide order dated 02.09.2024 passed in Cr. Misc. No. 55264 of 2024. Learned counsel goes on to submit that the continued incarceration of the petitioner without conclusion of trial amounts to a gross violation of the fundamental right guaranteed under Article 21 of the Constitution of India, which is reiterated by Hon'ble Apex Court in plethora of judgments.

4. Learned A.P.P. for the State and learned counsel for the NCB vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the NCB has also filed counter-affidavit and submitted that the recovery of the contraband is beyond the commercial quantity and therefore, the rigor of Section 37 of the N.D.P.S. Act is attracted.

5. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and taking into account the fact that continued detention of the petitioner would serve no purpose other than punitive pretrial incarceration, which is antithetical to the spirit of Article 21 of the Constitution of India, this Court is inclined to grant bail to the petitioner.

6. Let the petitioner be released on bail on furnishing



bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with NDPS Case No. 14 of 2024 arising out of NCB Case No. 12 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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