

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85094 of 2025

Arising Out of PS. Case No.-3 Year-2025 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Muzaffarpur

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Nitish Sahani S/O Prabhu Sahani R/O Village- Lal Parsa, Ward No. 03, P.S-
Sugauli, Distt.- East Champaran.

... .. Petitioner/s

Versus

The Union of India through Narcotics Control Bureau, Patna Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Mayank Raj, Advocate
Mr. Rahul Singh, Advocate
Mr. Adarsh Parashar, Advocate
For the UOI/NCB : Mr. Arvind Kumar, CGC

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 16-12-2025 Heard learned counsel for the petitioner and learned
counsel for the UOI/NCB.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under Sections 8(c), 21(c)
and 29 of the NDPS Act.

3. The case of the prosecution in short is that from
possession of co-accused Akshay Sahani altogether 520 gm of
heroin was recovered. Meanwhile, Akshay Sahani received a
call. On being asked, he disclosed that the said *heroin* has to be
handed over to the caller, i.e. Nitish Sahani (the petitioner).



After that Akshay Sahani disclosed that the petitioner is waiting for him near Jaiswal Meat shop, Motihari, P.S. Chhatauni. After that Nitish Sahani (the petitioner) was apprehended on the identification of co-accused Akash Sahani.

4. Learned counsel for the petitioner has submitted that from perusal of the FIR itself it is clear that recovery of *heroin* has been made from the possession of Akash Sahani. On the confessional statement of Akash Sahani the petitioner was apprehended. Akash Sahani has disclosed that this consignment was to be handed over to the petitioner. Learned counsel for the petitioner has further submitted that nothing has been recovered from the possession of this petitioner. Save and except the confessional statement of Akash Sahani there is nothing against the petitioner. Learned counsel for the petitioner has lastly submitted that the petitioner is languishing in judicial custody since 01.04.2025.

5. Learned CGG for UOI/NCB has vehemently opposed the prayer for bail to the petitioner.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with



NDPS Case No. 137 of 2025, arising out of N.C.B. Case No. 03 of 2025 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Special court- I (NDPS), Muzaffarpur.

(Ashok Kumar Pandey, J)

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