

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3648 of 2026

Arising Out of PS. Case No.-254 Year-2025 Thana- BASOPATTI District- Madhubani

Deepak Sah S/o Surendra Sah R/o Village- Mahinathpur, P.S.- Basopatti,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ramakant Sharma, Sr. Advocate Mr. Adarsh Parihar, Advocate Mr. Mayank Raj, Advocate Mr. Rahul singh, Advocate
For the Opposite Party/s :	Mr. Sanjay Kumar Tiwary, APP

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

ORAL ORDER

3 13-02-2026 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Basopatti P.S. Case No. 254 of 2025, instituted for the offences punishable under Sections 8(c), 21(b) of the NDPS Act, read with Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. Prosecution allegation, in short, is that there is recovery of 184 grams of brown sugar, one country made pistol with 8 mm live cartridge, seven mobile phones, one iPad, an electronic weighing machine, Indian currency of Rs. 12,450/- Nepali currency of Rs. 1,01,960/- and motorcycle from the residence of this petitioner and co-accused Rahul Sah.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner has got no concern either with the recovered contraband or with the arms. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 16.10.2025 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. It is further submitted that other co-accused has been granted regular bail by this Court vide order dated 10.02.2026 passed in Cr. Misc. No. 6486 of 2026.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail ***after framing of charge, if not already framed***, 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 Basopatti P.S. Case No. 254 of 2025, 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)

Rajorshi/-

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