

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2768 of 2026

Arising Out of PS. Case No.-51 Year-2025 Thana- Basmatia District- Araria

1. Pravin Rai @ Prabin S/O Laxman Rai Resident Of Village- Sahid Bhumi, Ward No. 07, Police Station- Hilay Bazar, District- Dhankuta, Nepal
2. Bikash Sah @ Bikash S/O Kiran Sah Resident Of Village- Pokharibas, Ward No. 13, Police Station- Hilay Bazar, District- Dhankuta, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 23-02-2026 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in Basmatiya P.S.
Case No. 51 of 2025 dated 08.10.2025, registered under
Sections 8(c) and 21(B) of the Narcotic Drugs and Psychotropic
Substances Act, 1985.

3.The allegation is of recovery of 33 grams of brown
sugar like substance in sticky condition along with a plastic
wrapper and an iPhone-12 Pro (IMEI No. 356690113814857)
from the possession of petitioner no. 1, whereas an iPhone-7
Plus (IMEI No. 353812089988852) from the possession of
petitioner no. 2 and both the petitioners were arrested at the



spot.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. It is submitted that no contraband has been recovered from the conscious possession of petitioner no. 2 whereas, 33 grams of a smack-like substance being more than the small quantity but less than the commercial quantity was recovered from the possession of petitioner no. 1. There is no independent witness to the seizure list, which has been endorsed only by police personnel. The mandatory provisions prescribed under Sections 42, 43, and 50 of the NDPS Act have not been complied with. Lastly, it is submitted that the petitioners have been in custody since 09.10.2025 and have no criminal antecedents.

5. Learned Additional Public Prosecutor for the State has opposed the prayer.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Sessions Judge-cum-Special Judge, NDPS Act, Araria in connection with



Basmatiya P.S. Case No. 51 of 2025.

7. The application stands allowed.

(Khatim Reza, J)

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