

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6486 of 2026

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

Rahul Sah Son of Surendra Sah Resident of village- Mahinathpur, Ps-
Basopatti, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate

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

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

ORAL ORDER

2 10-02-2026 Heard learned counsel for the petitioner and learned APP
for the State.

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

3. On receipt of secret information, an SSB raiding
team conducted a search of the residence of co-accused Deepak
Sah and Rahul Sah (petitioner) on 15.10.2025. During the
search, 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 a Royal Enfield



motorcycle were recovered and seized.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 16.10.2025. Petitioner bears two criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that petitioner has 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. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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

7. Considering the aforesaid facts and circumstances of the case and period of custody of the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 15,000/- (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 and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner will not tamper with the evidence or the witnesses during the trial.

(IV) Petitioner shall not commit offence of similar nature in future.

If any of the above conditions are violated, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

Raj Kishore/-

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(Rudra Prakash Mishra, J)

