

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7548 of 2026

Arising Out of PS. Case No.-350 Year-2025 Thana- CHIRAIYA District- East Champaran

Subodh Sah, aged about 37 years, (M), son of Hari Bhajan Sah, resident of
Village- Bikrampur, P.S.- Tiar, District- Bhojpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 04-02-2026 Heard Mr. Abhishek Kumar, learned counsel for the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner seeks bail in connection with
Chiraiya PS Case No.350 of 2025 dated 09.08.2025, instituted
for the offence punishable under Section 111 of the *Bharatiya*
Nyaya Sanhita, 2023, and Sections 8, 17(b), 18(b) of the
Narcotic Drugs and Psychotropic Substances Act.

3. The allegation is of recovery 1.10 Kg. Opium from
the possession of the petitioner.

4. Learned counsel for the petitioner submits that
nothing has been recovered from possession of the petitioner. As
a matter of fact, the petitioner had taken lift from the co-
accused, Bihari Rai, on whose motorcycle the bag containing



Opium like substance was kept. The petitioner had no knowledge about the bag containing Opium like substance. Further submission is that the seized Opium like substance is less than commercial quantity. Lastly, it is submitted that the petitioner is in custody since 09.08.2025 having clean antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge/Special Judge, East Champaran at Motihari, in Chiraiya PS Case No.350 of 2025, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his



release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail, and (v) that the petitioner within two weeks from the date of his release from custody shall appear before the SHO of his local area along with a copy of this order and thereafter shall appear before him every fortnightly to mark his attendance till the framing of charge in the case by the trial Court.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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