

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34094 of 2026

Arising Out of PS. Case No.-128 Year-2025 Thana- SONBERSA District- Sitamarhi

Mohammad Seraj @ Md. Seraj @ Md. Siraj S/o Gani Mohammad R/o Village
- Parsauni (Mailvar), P.S - Parsauni, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Singh, Advocate Mr. Karu Kumar, Advocate Mr. Shubh Raj, Advocate
For the Opposite Party/s :		Mr. Nityanand Tiwary, APP

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

ORAL ORDER

3 17-07-2026 Heard Mr. Shailendra Kumar Singh, learned counsel
for the petitioner and Mr. Nityanand Tiwary, learned APP for the
State.

2. The petitioner seeks bail in connection with
Sonbarsa P.S. Case No. 128 of 2025 instituted for the offence
under Sections 21(c) of the N.D.P.S. Act.

3. Earlier, vide order dated 04.08.2025 passed in Cr.
Misc. No. 48666 of 2025, regular bail of the petitioner was
rejected by this Court considering the recovery of contraband
beyond commercial quantity coupled with embargo under
Section 37 of the NDPS Act.

4. Learned counsel for the petitioner submits that the



present one is the second attempt for grant of regular bail to the petitioner. It is mainly submitted that the case is fixed for prosecution evidence and out of five witnesses, only three witnesses have been examined and two witnesses are yet to be examined, which is evident from the report sent by the learned court below. It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.04.2025 and has no criminal antecedent. Learned counsel further submits that there is no likelihood of the trial being concluded in the near future. Learned counsel goes on to submit that the continued incarceration of the petitioner without conclusion of trial amounts to a gross violation of the fundamental right guaranteed under Article 21 of the Constitution of India, which is reiterated by Hon'ble Apex Court in plethora of judgments.

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, period of custody of the petitioner and taking into account the fact that continued detention of the petitioner would serve no purpose other than punitive pretrial incarceration, which is antithetical to the spirit of Article 21 of the Constitution of India, this Court is inclined to grant bail to the



petitioner.

7. Let the petitioner be released on bail 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 Sonbarsa P.S. Case No. 128 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)

Alok Verma/-

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