

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34627 of 2026

Arising Out of PS. Case No.-158 Year-2024 Thana- SONBERSA District- Sitamarhi

Bhikari Sah @ Bhikhari Sah @ Vikhari Sah S/o Lal Bihari Sah R/o village -
Shiv Nagar, P.S.- Bela - District - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the S.S.B., Sonbarsa P.S., Sitamarhi, Bihar Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-05-2026 Heard Mr. Santosh Kumar, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Sonbarsa P. S. Case No. 158 of 2024 for the offence registered under sections 8, 20(b) (ii) (c), 22(c), and 23(c) of NDPS Act.

3. As per the prosecution story, the informant alleged that near the Nepal border, a motorcycle was intercepted and one Ram Vivah Sah was checked whereafter, there is recovery/seizure of 1.450 kg opium. This led to the FIR.

4. Learned Counsel for the petitioner submits that he has been named by Ram Vivah Sah which led to his implication, even the motorcycle does not belong to him. The last



submission is that the petitioner do not have criminal antecedent and the recovered/seized item is below the commercial one.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the commercial quantity is 2.5 kg.

6. Considering the submissions of the parties as also the fact that the recovery/seizure is from Ram Vivah Sah, he do not have criminal antecedent, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

7. It is however made clear that if the petitioner has criminal antecedent which has not been incorporated in paragraph 3, the order shall become infructuous.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Principal District and Sessions Judge Cum Special Judge (NDPS Act), Sitamarhi/Competent Jurisdiction in connection with Sonbarsa P.S. Case No. 158 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family



members/relatives of the petitioner, who shall provide official document (Aadhar Card, PAN Card, Driving License, Voter ID) to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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