IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77603 of 2026

CNR No. BRHC011119882026

Arising Out of PS. Case No.-188 Year-2026 Thana- BARGAINIA District- Sitamarhi

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Sanjay Kumar Sahni S/O Satya Narayan Sahni Resident Of Village- Madhu Chhapra, P.S.- Bairganiya, District- Sitamarhi

... ... Petitioner/s

Versus

The State of Bihar Patna

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Md. Ashhar Mustafa, Advocate
Ms. Anita Kumari, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 04-11-2026 Heard the learned counsel for the petitioner and learned APP for the State.

2. Petitioner, who is in custody, seeks bail in connection with Bairganiya P.S. Case No. 188 of 2026 registered for the offences punishable under Sections 317(5), 111, 3(5) of B.N.S., under Sections 25(1-B)a, 26, 35 Arms Act and under Sections 8(c), 20(B)(ii)(C) of NDPS Act.

3. As per the F.I.R, the police on a tip-off intercepted a vehicle, conducted a raid and apprehended one person namely Faizan Mansuri and two persons managed to escape. On search from the person of the apprehended accused, a total of 317 grams of *charas* was recovered along with other articles, while a

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bag containing two packets of *charas* weighing around 979 gram was kept hidden in the dry grass. The police on further search had also recovered a double-barrel gun with one loaded live cartridge and another duplicate gun from the orchard.

4. The learned counsel for the petitioner submits that the petitioner has been named an accused on the disclosure made by the apprehended person. It has been submitted that no incriminating article has been recovered from the conscious possession of the petitioner and moreover, the provisions of Section 50 of NDPS Act have not been followed. It has been asserted that in view of the judicial pronouncement, no recovery having been made from the petitioner, the prosecution cannot put reliance on the extra-judicial confession of a co-accused. It has further been pointed out that the petitioner has only one criminal antecedent that too under the Bihar Prohibition and Excise Act, and he is in custody since 05.09.2026.

5. The learned APP for the State has vehemently opposed the prayer for bail.

6. Having heard learned counsel for the parties and after specifically taking into account the fact that no incriminating article was recovered from the conscious possession of the petitioner and the recovery so made was from

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a co-accused and from a bag hidden in the grass, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection Bairganiya P.S. Case No. 188 of 2026 subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in

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the name of verification.

7. Accordingly, the prayer for bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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