IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79361 of 2026

CNR No. BRHC011151062026

Arising Out of PS. Case No.-694 Year-2026 Thana- KISHANGANJ District- Kishanganj

==========

Rahish Shah @ Sagar Shah S/o Gaffar Sah R/o Village - Lohagara, Istama Tola, Ward no. 5, P.S. - Bahadurganj, Dist. - Kishanganj.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. N. K. Agarwal, Sr. Adv.
Mr. Kumar Rajdeep, Adv.
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

==========

CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

2 05-11-2026 Heard, Mr. N. K. Agarwal, learned Senior Counsel along with Mr. Kumar Rajdeep, Advocate for the petitioner and Mr. Satya Nand Shukla, learned APP for the State.

2. This is an application for regular bail to the petitioner who has been made accused in connection with Kishanganj P.S. Case No. 694 of 2026 registered for the offences punishable under Sections 8(c), 18(c), 21(c), 29 & 31 of the NDPS Act.

3. As per the prosecution case, on the secret information that two persons travelling by bus from Malda towards Kishanganj were carrying a substantial quantity of heroin in a black bag, a raiding team intercepted the bus, and co-accused Firoz Ansari and Amzad Ansari @ Istama @ Gama

WEB COPY

were found carrying a bag and 1500 gms suspected heroine allegedly recovered from Amzad Ansari which would be clear from the seizure list at page 23 of the bail application. The petitioner, who was allegedly standing at the bus stop to receive the consignment, was also apprehended on suspicion.

4. Learned counsel for the petitioner submits that petitioner is quite innocent, has committed no offence and has falsely been implicated in this case. No incriminating article has been recovered from the conscious possession of this petitioner which would be clear from the seizure list at page 19 of the bail application. The recovery is exclusively made from the co-accused Amzad Ansari. Admittedly, the petitioner was not travelling in the intercepted bus, he was only standing at the bus stop. It is stated that there is non-compliance of Sections 42 and 50 of the NDPS Act. Petitioner has clean antecedent and is languishing in judicial custody since 29.06.2026. Investigation has been completed and charge-sheet has already been filed in this case.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody as also taking into

WEB COPY

consideration the fact that no recovery has been made from the conscious possession of this petitioner, recovery was exclusively from the co-accused Amzad Ansari, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Kishanganj/concerned court in connection with Kishanganj P.S. Case No. 694 of 2026, subject to following conditions:-

(i) one of the bailors should be the family member/close relative of the petitioner.

(ii) the petitioner shall co-operate in trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the court, he should physically appear in the court on that date.

(iii) 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.

(Kumar Manish, J)

Abhishek/-

U		T	

WEB COPY