

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79658 of 2025

Arising Out of PS. Case No.-339 Year-2025 Thana- SURSAND District- Sitamarhi

Om Prakash Sah @ Om Prakash Shah @ Om Parkash Sah S/o Heera Sah @
Heera Shah R/o village - Nagar Panchayat Sursand, ward no. - 5 @ ward no.
1 (old), Sursand Uttari, P.S. - Sursand, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Murli Dhar, A.P.P.

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

ORAL ORDER

5 03-04-2026 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Sursand
P.S. Case No. 339 of 2025, instituted for the offences under
Sections 80(c), 20(B)(ii) and 29 of the N.D.P.S. Act.

3. Prosecution case, in short, is that there is recovery
of 10.400 Kg Ganja was recovered from Tempo.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Petitioner is in
custody since 03.09.2025 and has no criminal antecedent. There
is no allegation of tampering of witnesses alleged against the
petitioner. No incriminating material has been recovered from
the conscious possession of the petitioner. Petitioner has no



concern with the alleged recovery. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. Learned counsel for the petitioner further submits that other co-accused have been granted bail by this Bench vide order dated 15.12.2025 passed in Cr. Misc. No. 81032 of 2025. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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, recovered contraband being less than the commercial quantity as also the period of custody undergone by the petitioner, 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 Sursand P.S. Case No. 339 of 2025, subject to the following conditions:

(I) One of the bailors shall be the petitioner's own or close member.

(II) The petitioner shall appear on each and every date



fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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