

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81677 of 2025

Arising Out of PS. Case No.-146 Year-2025 Thana- KHUTAUNA District- Madhubani

Rajeev Kumar Sah son of Ramudgar Sah Resident of Village- Balanpatti
Police Station -Khatauna Dist -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
	:	Mr. Bhavesh Kumar Sah, Advocate
	:	Ms. Archana Anand, Advocate
For the Opposite Party/s	:	Ms. Dr. Indihar Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 25-02-2026 Heard learned Senior counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 8(c), 21 and 22 of the
N.D.P.S. Act.

3. As per the prosecution case, it is alleged that
41.40 grams of brown sugar was recovered from the possession
of the petitioner.

4. Learned Senior counsel for the petitioner
submits that the petitioner has been falsely saddled with the
recovery of 41.40 gram of brown sugar which, however, is an
intermediate quantity and much less than commercial quantity.
It is further submitted that the search and seizure has not been
made before the independent witnesses and the mandatory



provisions of N.D.P.S. Act have also been violated. The petitioner is in custody since 13.09.2025 and charges have been framed on 24.02.2026, which is stated on the basis of instructions.

5. Learned APP for the State opposed the grant of bail on the ground that the petitioner has two criminal antecedents and in response to the same it has been submitted that they are not of similar nature and petitioner is on bail in all the cases.

6. Taking into consideration the facts and circumstances and considering the fact that the recovery is of intermediate quantity of contraband, much less than commercial quantity, coupled with the fact that the petitioner has remained in custody since 13.09.2025 with the charges having been framed and his undertaking to co-operate in the trial, let the above named petitioner, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Principal Sessions Judge, Madhubani/concerned Court below in connection with Khutauna P.S. Case No. 146 of 2025 arising out of G.R. Case No.82 of 2025 subject to condition that:-

(i) One of the bailors will be his own blood



relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

7. However, before accepting the bail bonds of the petitioner, the Court concerned shall ensure the fact that charges have already been framed, as such submission has been made before this Court.

(Soni Shrivastava, J)

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