

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84968 of 2025

Arising Out of PS. Case No.-217 Year-2023 Thana- SURSAND District- Sitamarhi

Vivek Sahni @ Vivake Sahni S/o Bijali Sahni R/o village - Chand Parsa, P.S -
Keshariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar II, Advocate

For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 19-01-2026 Heard Mr. Dhananjay Kumar, learned counsel for the
petitioner and Mrs. Rita Verma, learned APP for the State.

2. The petitioner has prayed for bail in connection with Sursand P.S. Case No. 217 of 2023 registered for the offence punishable under Sections 414 of the Indian Penal Code, Sections 8C, 20(b)(ii)(C) and 29 of the N.D.P.S. Act.

3. The case of the prosecution in short is that from a four-wheeler on search, 2 kg of *charas*, mobile phones, and cash were recovered. The petitioner and the other co-accused persons were found sitting inside the said vehicle.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Learned counsel for the petitioner submits that nothing has



been recovered from the possession of this petitioner. The petitioner is neither the owner nor the driver of the alleged vehicle. He also submits that similarly situated other co-accused persons, namely, Arvind Kumar Singh, Ajay Kumar Sahni, and Raushan Kumar, have already been granted bail by the learned coordinate bench of this court in Cr. Misc. Nos. 78514 of 2025, 15069 of 2025, and 33528 of 2025 respectively. He further submits that the petitioner is languishing in judicial custody since 01.05.2023.

5. In the case of **Rabi Prakash vs. the State of Odisha**, Hon'ble Supreme Court has held that the prolonged incarceration generally militate against the most precious fundamental right guaranteed under Article 21 of the constitution of India and in such situation, the conditional liberty must override the statutory embargo created under Section 37 sub-clause 1(b) of the NDPS Act.

6. The application for bail is opposed by learned APP for the State and submits that the petitioner is having criminal antecedent of three cases.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named



petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Sitamarhi in connection with Sursand P.S. Case No. 217 of 2023.

(Ashok Kumar Pandey, J)

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