

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84522 of 2025

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

Sukhari Raut S/o Vishwanath Raut 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 : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 05-02-2026 Heard Mr. Dhananjay Kumar II, learned counsel for
the petitioner and Mr. Ramchandra Sahni, 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. Learned counsel for the petitioner has further submitted that similarly situated other co-accused persons, namely, Vivek Sahni and Shashi Kumar Singh have been granted bail by this Court in Cr. Misc. Nos. 84968 of 2025 and 85340 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 two 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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