

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87694 of 2025

Arising Out of PS. Case No.-158 Year-2025 Thana- SIKTI District- Araria

Sunil Sah S/o Late Rajendra Sah Resident of village - Bauka Mazrakh, Ward
no. 1, P.S.- Sikty, District - Araria

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-01-2026 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Sikty P.S. Case No. 158 of 2025 registered for the offences
punishable under Sections 8(c) and 21(b) of N.D.P.S., Act.

3. As per prosecution case, on 02.09.2025 at about
19:30 hours, on the basis of secret information regarding illegal
sale and smuggling of narcotic substances, a raiding team was
constituted and proceeded to the house of the petitioner (Sunil
Sah). On seeing the police vehicle, the petitioner attempted to
flee but was chased and apprehended. In the presence of
independent witnesses, a personal search of the petitioner was
conducted, during which 40 grams of smack like substance,
Nepalese currency amounting to NPR 43,000 and a mobile



phone were recovered .

4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence as alleged in the F.I.R and he has falsely been implicated in the present case. It is submitted that the alleged recovery of 40 grams of smack is much below the commercial quantity as according to NDPS notification, 250 grams of Smack comes under the purview of the commercial quantity. The petitioner has been falsely implicated in the present case with malicious intent. It is further submitted that the petitioner has no connection with the alleged occurrence and was returning home from work at the relevant time. Basically nothing was recovered from the conscious possession of the petitioner. Petitioner is in custody since 03.09.2025. Apart from that petitioner having no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that there is alleged recovery of 40 grams Smack like substance from the possession of the petitioner. Hence, petitioner does not deserve bail.



6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 learned Session Judge-cum-Special Judge,NDPS Act, Araria in connection with Sikty P.S. Case No. 158 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(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.

(iv) If the petitioner is found involved in similar



nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

Nilmani/-

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