

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89340 of 2025

Arising Out of PS. Case No.-395 Year-2025 Thana- RAMGARHWA District- East
Champaran

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Vikash Kumar Sahani Son of Late Shivji Sahani Resident of village -
Ramgarwha Malahi Tola, P.S.- Ramgarhwa, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Ramgarhwa P.S. Case No. 395 of 2025, N.D.P.S. G.R. Case No.
144 of 2025 registered for the offences punishable under
Sections 8, 18, 21(C), 22(C), 29 of N.D.P.S. Act.

3. As per prosecution case, two persons were
apprehended by the police and upon search, total 95.64 gram
smack like substance and mobile were recovered from
possession of apprehended co-accused Janta Kumar @ Jayant
Kumar. It is further alleged that 1.6 gram smack like substance
and mobile were recovered from possession of apprehended co-
accused Ranjan Kumar and aforesaid apprehended co-accused



persons disclosed the name of petitioner who fled away from the spot.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that petitioner was not apprehended on the spot. No incriminating article was recovered from possession of the petitioner. Except disclosure of apprehended co-accused persons, there is nothing on record to connect the present petitioner with the alleged occurrence. It has been orally submitted that petitioner has inimical term with the apprehended co-accused persons so he has been falsely implicated in the present case. Learned counsel orally submits that petitioner is neither remotely nor directly connected with the co-accused persons and petitioner has no concern with the alleged recovery. Petitioner is in custody since 13.10.2025 and bears no criminal antecedent. He further submits that as per NDPS notification, alleged recovery is much less than commercial quantity.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that there is alleged recovery of altogether 97.24 gram smack like substance from possession of apprehended co-accused persons and



petitioner seems to be associate of co-accused persons and hence, he cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, 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. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/ Special Judge, East Champaran, Motihari in connection with Ramgarhwa P.S. Case No. 395 of 2025, N.D.P.S. G.R. Case No. 144 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)

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