

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20535 of 2016

Arising Out of PS.Case No. -23 Year- 2002 Thana -SHIWAPATHI District- MUZAFFARPUR

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1. Daroga Sahni S/o- Baldeo Sahni, r/o village- Sonbarsa Paharpur, P.S. Tariyani, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Nirmala Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-05-2016 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under section 47(a) of the Excise Act and section 20 of the NDPS Act.

From Sanjay Kumar Rai and his boy friend namely Ashok Sahni 7 Kg. and 5 Kg. ganja were recovered who suggested that he used to sale ganja to the petitioner and one Dukhi Sahni.

It is submitted by the learned counsel for the petitioner that admittedly the recovery has not been made from the possession of the petitioner and only on the confession of the apprehended accused the petitioner has been roped in the present case. From the FIR it appears that the petitioner was not present

with the apprehended accused on the place of seizure. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent. Similarly situated accused Mahadeo Sahni has been granted anticipatory bail by a co-ordinate bench of this court vide Cr. Misc. No.13094 of 2012.

Since the case was registered in 2002 and the petitioner has been named in the FIR, this court is not inclined to grant anticipatory bail to him but keeping in view the nature of accusation and the nature of recovery coupled with the fact that no recovery has been made from the petitioner and co accused has been granted anticipatory bail, it is a case for consideration of the prayer for regular bail of the petitioner by the learned court below in case the petitioner surrenders within six weeks from today in connection with Siwaipatti P.S. Case No. 23 of 2002 pending in the court of learned 7th Additional Sessions Judge, Muzaffarpur.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

Anil/-

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