

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26825 of 2016

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

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Daroga Sahni son of Baldeo Sahni resident of village- Sonbarsa Paharpur,
P.S.- Tariyani, District- Shivhar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Sri Satyadev Prasad Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 29-06-2016 Heard learned counsel for the parties.

The petitioner is languishing in custody since 30.5.2016 in a case registered for the offence punishable under sections 47A of the Excise Act and section 20 of the N.D.P.S.Act.

7 Kg and 5 Kg. Ganja were recovered from co-accused Sanjay Kumar Rai @ Lulha and Ashok Sahni while they were sitting in a bus. 5 Kg. Ganja was recovered under the seat of bus where co-accused Harkhu Sahni was sitting. Hence, altogether 17 Kg. Ganja was recovered though Sanjay Kumar Rai @ Lulha was apprehended and disclosed that Harkhu Sahni flee away, who further 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 there is no recovery from the petitioner. Statement has been made

in paragraph 3 of the application that the petitioner has no criminal antecedent. The impugned order reflects that since the case was registered in 2002, final report was submitted after becoming the petitioner absconder. It is further submitted by the learned counsel for the petitioner that similarly situated co-accused Mahadeo Sahani has been granted bail by a co-ordinate Bench of this Court in Cr.Misc.No. 13094/2012.

Considering the fact that the petitioner has no criminal antecedent and there is no recovery from the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge VII, Muzaffarpur in S.Tr. No. 78/2015 arising out of Shivaipatti P.S.Case No. 23/2002.

Since the petitioner absconded for a considerable period, the learned trial court will positively cancel the bail bond of the petitioner if he defaults for two consecutive occasions or substantially gets involved in similar nature of offence.

(Dinesh Kumar Singh, J)

Surendra/-

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