

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85605 of 2019

Arising Out of PS. Case No.-659 Year-2018 Thana- KADAMKUAN District- Patna

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BILLA SAHANI, Son of Ram Babu Sahani Resident of Village - Railway
Hander Road, Rajendra Nagar Gumti, East Lohanipur, P.S.- Kadamkuan,
Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh
For the Opposite Party/s : Mr.Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 17-06-2020 The petitioner seeks bail in anticipation of his

arrest in connection with Special Case No. 130 of 2018,

arising out of Kadamkuan P. S. Case No. 659 of 2018

instituted for the offences under Sections 20(B), (1), (A) of

Narcotic Drugs and Psychotropic Substances Act, 1985.

It appears that in an anti-encroachment drive,

some of the wooden kiosks were removed. From one such

kiosk stated to be that of the petitioner, 48 gms of Ganja

was recovered. Hence, the prosecution of the petitioner in

the instant case.

The learned counsel for the petitioner has

submitted that the kiosk from where narcotics have been



recovered does not belong to the petitioner. In fact, he has been made accused on a mistaken notion that the petitioner owns the aforesaid kiosk.

The learned counsel for the petitioner further submits that an occurrence had taken place a day before, in which the name of the petitioner had transpired and taking clue from that accusation, in the present case the petitioner has been made accused.

Some of the similarly situated accused persons from whose kiosks also narcotic substance was recovered have been granted anticipatory bail by different Benches of this Court, copies of which have been annexed with the petition.

The petitioner earlier was made an accused in Kadamkuan P. S. Case No. 656 of 2018 but that was for the offences under Section 307 of the Indian Penal Code and Sections 3 and 4 of the Explosive Substance Act.

Considering the aforesaid facts, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a



period of six weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge – cum – Special Judge, NDPS, Patna in connection with Special Case No. 130 of 2018, arising out of Kadamkuan P. S. Case No. 659 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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