

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13715 of 2021

Arising Out of PS. Case No.-713 Year-2020 Thana- TURKAULIYA District- East
Champaran

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LAXMI SAHNI Son of Prabhu Sahni @ Prabhu Sahani, Resident of Village-
Chilwania, P.S.- Banjariya (Turkaulia), District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Adv.
For the Opposite Party/s : Ms. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-08-2021 In view of the sudden resurgence of Covid-19
infection, there is limited functioning of the High Court and,
therefore, the matter has been listed today for consideration
through virtual mode.

Learned counsel for the petitioner is expected to
honour his undertaking given in the instant case for depositing
the requisite court fee and to remove the defects as pointed out
by office when called upon to do so by the office.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in N.D.P.S. Case No.50 of
2020 arising out of Turkauliya (Raghunathpur) P.S. Case



No.713 of 2020 instituted for the offence under Sections 25(1-b)A, 26 and 35 of the Arms Act and Sections 8 and 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act.

The police received information regarding a wanted person, namely, Rajan Sahni and they proceeded to arrest him with the help of Delhi police. Along with Rajan Sahni, the petitioner and one Sonu Sah were also arrested. It is further alleged that three apprehended accused persons were brought to Bihar and in presence of witnesses, one loaded country made pistol, one country made katta with live cartridges and 1.134 Kg charas were recovered from the house of co-accused Rajan Sahni on his disclosure.

The learned counsel for the petitioner submits that the alleged recovery was made from the house of co-accused Rajan Sahni. There is false and baseless allegation that the petitioner was also indulging in trade of illicit substances. Admittedly, there is no recovery either from the petitioner's house or his possession. The petitioner is in custody since 06.10.2020. Similarly situated co-accused Sonu Sah has been allowed bail in Cr.Misc.No.6573 of 2021. The petitioner is stated to be on bail in another criminal case. There is one case pending against him being Turkauliya (Banjariya) P.S. Case



No.425 of 2020 in which he is yet to secure bail.

The learned APP has opposed the prayer for bail. It is submitted that the petitioner was apprehended with co-accused Rajan Sahni and, therefore, he cannot deny his involvement.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, 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 learned Sessions Judge/Special Judge, East Champaran, Motihari in connection with N.D.P.S. Case No.50 of 2020 arising out of Turkauliya (Raghunathpur) P.S. Case No.713 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on



each date and if he fails to do so on two consecutive dates, his
bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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