

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16229 of 2021**

Arising Out of PS. Case No.-668 Year-2020 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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VAKIL KUMAR @ VAKIL SAHANI S/o Pramod Sahani R/o village-
Kamalpura P.S.- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raju Kumarm Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 30-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in

connection with Kanti P.S. Case No. 668/2020 registered for the

offences punishable under Section 411 of the Indian Penal Code

read with Section 25(1-b)A/26/35 of Arms Act and 20/22 of

N.D.P.S. Act.

As per prosecution story, the informant got secret

information that four miscreants are fleeing by a Kwid vehicle

by committing loot of cloths from a trader, thereafter he started

checking the vehicle, in the meantime, on giving signal to stop



the vehicle the four miscreants sitting in the vehicle tried to flee away but they were apprehended with the help of police party, the apprehended persons disclosed their names including this petitioner. It is alleged that from the car one bundle of cloths and from the driver seat substance like Charas weighing about 400 grams was recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, no incriminating article has been recovered from the possession of the petitioner. Learned counsel submits that petitioner is in custody since 15.11.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the alleged recovery of 400 grams of Charas has been made from the vehicle in question, the submission being that the petitioner has no criminal antecedent, he was arrested by police without following the safeguards provided under Section 42 of the N.D.P.S. Act to an accused, the petitioner is in custody since 15.11.2020, investigation against him is complete but the trial is not likely to be concluded in near future, further submission that the quantity in the present case is



less than the commercial quantity as such rigours of Section 37 of the N.D.P.S. Act would not be attracted, considering all these aspects of the matter, this court directs release of the petitioner on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge – cum- Special Judge, Muzaffarpur, in connection with Kanti P.S. Case No. 668/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

