

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23285 of 2021**

Arising Out of PS. Case No.-319 Year-2020 Thana- BOCHAHAN District- Muzaffarpur

Raj Kumar Sahani, son of Rameshwar Sahani @ Ramesar Sahni, resident of
village - Rajwara Bhagwanpur, P.S.- Mushahari, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

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

2 24-08-2021 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 Bochahan P.S. Case No. 319 of 2020

registered for the offences punishable under Section 414/34 of

the Indian Penal Code and Section 20 and 22 of the Narcotic

Drugs and Psychotropic Substances Act (in short the “N.D.P.S.

Act”). He is in custody since 30.11.2020.

Learned counsel for the petitioner submits that as per

the prosecution story this petitioner was caught on chase by

police and on search from his possession 240 gm. Ganja has

been recovered. He has one criminal antecedent being Minapur P.S. Case No. 192/2018 in which he is on bail.

Learned counsel submits that the quantity of Ganja allegedly recovered from the possession of the petitioner is much less than the small quantity and hence Section 37 of the N.D.P.S. Act is not attracted. The co-accused similarly situated namely Laxman Sahni has been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 21372/2021.

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

Considering the facts and circumstances of the case discussed hereinabove, this Court directs release of the petitioner above named 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 Special Judge, N.D.P.S. Act, Muzaffarpur in connection with Bochahan P.S. Case No. 319 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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'.