

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24872 of 2021**

Arising Out of PS. Case No.-771 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

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RUPESH SAHANI Son of Jhallu Sahani Resident of Village- Rusulpur
Salim, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Mrityunjay Kumar Nirala, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 27-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

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

The petitioner seeks bail in Ahiyapur P.S. Case No.
771 of 2020, registered for the offence punishable punishable
under Sections 272, 273 of the Indian Penal Code and section
30(a), 36 of the Bihar Prohibition and Excise Act, 2016 and
sections 20/22 of the Narcotic Drugs and Psychotropic
Substances Act.

4 litres of country made liquor and 500 gms of *Ganja*
has been recovered from possession of this petitioner.

It is submitted on behalf of the petitioner that nothing



has been recovered from conscious possession of this petitioner. Mandatory provision of search and seizure has not been followed. The recovered Ganja is less than small quantity, as such rigorous of Section 37 of the NDPS Act, would not be attracted and petitioner is in custody since 28.09.2020. Investigation is complete.

Considering the period of custody, the petitioner above-named, is directed to be enlarged 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 Special Judge Excise Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 771 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

vinita/-

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