

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29987 of 2021

Arising Out of PS. Case No.-765 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

Amar Nath Sahni Son of Chandeshwar Sahni Resident of Village - Vijai
Chhapara, P.S.- Ahiyapur, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Ahiyapur P.S. Case No. 765 of 2020 instituted for the offences
under Sections 414 and 34 of the Indian Penal Code read with
Sections 20 and 22 of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 25.09.2020, charge-sheet has been
submitted in the case and has got one criminal antecedent as
mentioned in paragraph '3' relating to case under Sections 393,
414 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that from
bare perusal of the allegation as alleged in the F.I.R. it would
manifest that the allegation is of recovery of one kg. *ganja*, 100



grams *charas* and three *purias* of *ganja* from a bag hanging on a motorcycle bearing registration No. BR06CC-3571 which was being driven by the petitioner.

Learned counsel for the petitioner submits that the alleged recovery has been made in violation of the provisions of the N.D.P.S. Act and further that the recovery of one kg *ganja* and 100 grams *charas* along with three *purias* of *ganja* is much less than the commercial quantity and the petitioner has remained in custody for more than a year.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that it is a case under the N.D.P.S. Act where allegation of recovery of *ganja* and *charas* is alleged but learned A.P.P. fairly submits that the alleged recovery is not of commercial quantity.

Considering the fact that the recovery of narcotic is not of commercial quantity, the petitioner is in custody since 25.09.2020 and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge, Muzaffarpur in connection with Ahiyapur P.S. Case No. 765 of 2020 subject to



the condition as laid down under Section 437 (3) Cr.P.C. with condition that in the event the petitioner, after trial commences, does not appear on two consecutive dates, the learned court below shall proceed to cancel his bail bonds.

(Satyavrat Verma, J)

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