

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 37775 of 2021**

Arising Out of PS. Case No.-1408 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

DILIP SAHNI Son of Chulhai Sahni Resident of Village - Sahwajpur (Purana
Zero Mile) Chowk, P.S.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, APP) appearing for
the State of Bihar.

The petitioner seeks bail in Ahiyapur Police Station
(for brevity, *PS*) Case No 1408 of 2019 instituted for the offence
punishable under Sections 20/22 of Narcotic Drugs and
Psychotropic Substances Act (for brevity, *NDPS Act*).

The prosecution case discloses recovery of 100 Grams
of *Charas* from 10 persons who have been apprehended. They
have stated that suppliers, 3 in number, have fled away.
Petitioner is stated to be one of the suppliers.

Learned counsel for the petitioner submits that
petitioner's implication is merely on the basis of confessional



statement made by one co-accused. Even, according to the prosecution case, there is no recovery from the petitioner. The co-accused persons, from whom recovery has been made, have already been allowed bail by this Court in Cr Misc No 26895 of 2020, Cr Misc No 16777 of 2020, Cr Misc No 17296 of 2020, Cr Misc No 18207 of 2020, Cr Misc No 18377 of 2020, Cr Misc No 22140 of 2020, Cr Misc No 20790 of 2020 and Cr Misc No 19999 of 2020 respectively. The petitioner, having no criminal antecedent, is stated to be in custody since 20.01.2021.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge -cum- Special Judge, NDPS Act, Muzaffarpur in Ahiyapur PS Case No 1408 of 2019 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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