

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39143 of 2020

Arising Out of PS. Case No.-273 Year-2020 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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SATAN SAHNI SON OF MITHU SAHNI RESIDENT OF VILLAGE AND
P.O.- KOLHUA PAIGAMBARPUR P.S.- AHIYAPUR, DISTRICT-
MUZAFFARPUR

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-02-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the stamp reporter within

four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

The petitioner in the present case is seeking regular

bail in connection with Kanti P.S. Case No. 273 of 2020
(N.D.P.S. Case No. 37 of 2020) registered for the offences
punishable under Sections 399, 402 and 411 of the Indian Penal
Code and under Sections 8/20/22 of N.D.P.S. Act read with
Section 25(1-b)a/ 26/35 of the Arms Act.

Learned counsel for the petitioner submits that as per

the prosecution story, the informant got secret information



regarding assemblage of miscreants Sonu Sahani and his associates in an orchard. The informant raided the given place and arrested four accused persons including the petitioner and on search petitioner was found in possession of a loaded country made pistol and it is alleged that from the joint possession of the accused persons 2 kilogram ganja like substance was also seized.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and the said ganja has not been specifically recovered from possession of the petitioner. The seized ganja is less than the commercial quantity. It is submitted that the petitioner has got no criminal antecedent and he has is in custody since 17.05.2020.

Mr. Akhileshwar Dayal, learned A.P.P. for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the petitioner is said to have been arrested with a loaded country made pistol and from joint possession of co-accused 2 kilogram of ganja have been recovered which is less than the commercial quantity but that recovery of Ganja is not specifically attributed to the petitioner, considering that he has



remained in jail for about nine months and prior to the present case he had no criminal antecedent, investigation against him is complete and there is no submission on behalf of the State that his release at this stage is likely to result in tampering with evidence or interfering with the course of trial, 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 Addl. District Judge-VIII, Muzaffarpur in connection with Kanti P.S. Case No. 273 of 2020 (N.D.P.S. Case No. 37 of 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.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

