

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6573 of 2021

Arising Out of PS. Case No.-713 Year-2020 Thana- TURKAULIYA District- East
Champaran

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Sonu Kumar @ Sonu Sah Son of Sri Bhuali Sah @ Bhuali Sah R/O Mohalla-
Gandhi Chowk, P.S.- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Udbhav

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 16-04-2021 Heard learned counsel for the parties through virtual
mode.

The petitioner seeks bail in N.D.P.S. Case No. 50 of
2020, arising out of Turkauliya (Raghunathpur) P.S. Case No.
713 of 2020, registered for the offence under Sections 25(1-
b)a/26/35 of the Arms Act and Sections 8/20(b)(ii)(c) of the
N.D.P.S. Act.

As per the prosecution case, on a secret information
that one co-accused Rajan Sahni, who was wanted in several
cases, is residing in Delhi, a raid was conducted and on
05.10.2020 at about 5.45 AM, co-accused Rajan Sahni
alongwith two other co-accused, including petitioner, were
arrested and on the disclosure made by the co-accused Rajan



Sahni, one kg. *Charas*, country-made pistol and cartridges have been recovered from his house.

It is submitted on behalf of petitioner that no incriminating article or any narcotic drug has been recovered either from the possession of the petitioner or from the house of petitioner and alleged recovery has been made from the house of co-accused Rajan Sahni. It is further submitted that mandatory provision with regard to search and seizure has not been followed in this case. Petitioner is in custody since 06.10.2020. Chargesheet has already been submitted.

Considering the fact that neither any incriminating article nor narcotic drug has been recovered from the possession of the petitioner, the bail application of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act-cum-Sessions Judge, East Champaran, Motihari in connection with N.D.P.S. Case No. 50 of 2020, arising out of Turkauliya (Rathunathpur) P.S. Case No. 713 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the



court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

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

(Prabhat Kumar Singh, J.)

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