

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7215 of 2021**

Arising Out of PS. Case No.-300 Year-2020 Thana- AHYAPUR District- Muzaffarpur

BAIJU KUMAR @ BAIJU SAHNI S/O LALBABU SAHNI R/O VILLAGE
JHAPAHAN DIH, PS AHYAPUR, DIST MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 29-04-2021 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 the Court.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Ahiyapur P.S. Case No. 300 of 2020 and NDPS Case No.16/2020 registered for the offences punishable under Section 20/22 of the NDPS Act.

The prosecution case as the First Information Report is that one Narsingh Singh posted as sub-inspector of police at Ahiyapur P.S. on 18.03.2020 submitted a written report to the officer in-charge of Ahiyapur police station stating therein that



while he was coming along with other police personnel in course of patrolling and he reached near the medical over-bridge, he saw that four persons are getting down from the tempo having bag on their shoulder. It is further alleged that on the basis of suspicion they were apprehended and in presence of two independent witnesses during search from possession of petitioner 1.5 kgs of ganja and a mobile phone was recovered.

Learned counsel submits that the petitioner is innocent and he has been falsely implicated in the present case due to old enmity. Learned counsel submits that the petitioner is 40% handicapped. He submits that the quantity of ganja is much less than the commercial quantity. It is submitted that the petitioner has remained in jail in connection with the present case since 18.03.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is alleged that from possession of the petitioner 1.5 kgs of ganja was recovered, the submission being that the petitioner is 40% handicapped, the quantity of ganja is much less than the commercial quantity and, therefore, the rigours of Section 37 of Narcotic Drugs & Psychotropic Substances Act



would not be attracted, the petitioner has remained in jail in connection with the present case since 18.03.2020 and his further incarceration is not likely to come in aid of investigation or prosecution, there being no submission on behalf of the State that the release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 5th Additional Sessions Judge, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 300 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 allowed.

(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'

