

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7187 of 2021**

Arising Out of PS. Case No.-270 Year-2020 Thana- SIKARPUR District- West Champaran

PURAN SAHANI Son of Ugam Sahani Resident of Village - Samgarha
Mallahi, P.S.- Sathi, District - West Champaran (Bettiah)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni, Adv.

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

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

2 28-04-2021 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 Shikarpur P.S. Case No. 270 of 2020

registered for the offences punishable under Sections 8/20(b)

(ii)/B and 23(b) of the NDPS Act.

As per the First Information Report, the prosecution

case in brief is that on 27.05.2020 the informant who is the S.I.

of 44th Battalion of S.S.B., Narkatiyaganj received a confidential

information that sale and purchase of Ganja is to be made at



village Satwaria. Thereafter, he along with SSB constables proceeded from Narkatiyaganj and reached at the place of occurrence at about 11.20 AM when a person was seen coming on a motorcycle who was directed to stop but the said person started fleeing away. It is further alleged that on chase he was caught and on query he disclosed his name as Puran Sahani (petitioner). On search, 2.800 kgs of Ganja and cash of Rs.6,000/- was recovered from his possession.

Learned counsel submits that the petitioner is innocent and he has been falsely implicated in the present case.

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 the submission of learned counsel for the petitioner that a total of 2.800 kgs of Ganja has been allegedly recovered from the possession of the petitioner which is much less than the commercial quantity and therefore the rigours of Section 37 of the Narcotic Drugs & Psychotropic Substances Act would not be attracted, the petitioner is in custody in connection with the present case since 28.05.2020, prior to the present case he had no criminal antecedent, the investigation against him is complete and further incarceration of the



petitioner is not likely to come in aid of investigation or prosecution, 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 Chief Judicial Magistrate, West Champaran, Bettiah, in connection with Shikarpur P.S. Case No. 270 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'.

