

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5720 of 2022

Arising Out of PS. Case No.-191 Year-2020 Thana- AURAI District- Muzaffarpur

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Lalit Sahni Son of Ram Bali Sahni, R/o Village- Barhad, P.S.- Hathauri,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 29-09-2022 Let the defect(s), if any, be removed within two weeks

from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
N.D.P.S. Case No. 10077 of 2020 arising out of Aurai P.S. Case
No. 191 of 2020, lodged under Sections 399, 402 of the Indian
Penal Code read with Section 25(1-b)a of Arms Act and
Sections 8, 20, 22, 25 & 29 of N.D.P.S. Act.

As per the prosecution case, there are 9 persons who
were made accused in the F.I.R., out of 9 accused persons, only
one accused person was apprehended from the place of
occurrence from whose possession arms and N.D.P.S. material
have been recovered.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further

submits that name of petitioner has been disclosed by the apprehended accused, it is due to this reason name of petitioner has figured in the F.I.R. He further submits that petitioner was neither apprehended from the place of occurrence nor any arms or N.D.P.S. material has been recovered from his possession. Learned counsel for the petitioner further submits that petitioner is in custody since 28.08.2021, charge sheet has already been filed and there are 4 criminal cases pending against the petitioner, in which he is not remanded in one case till date. Learned counsel for the petitioner further submits that apprehended co-accused namely Sunil Kumar Mahto has already been granted bail by the Co-ordinate Bench of this Court vide order dated 11.01.2022 passed in Cr. Misc. No. 43495 of 2021.

Learned counsel for the State opposes the prayer for bail but admits that the petitioner has not apprehended from the place of occurrence.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act,

Muzaffarpur in connection with N.D.P.S. Case No. 10077 of 2020 arising out of Aurai P.S. Case No. 191 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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