

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10556 of 2022**

Arising Out of PS. Case No.-124 Year-2021 Thana- BHAGWANPUR District- Vaishali

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SANJAY SAHANI S/O LATE LALU SAHANI @ MUSAFIR SAHANI R/o
village- Imadpur, P.S.- Bhagwanpur, Distt.- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Bhagwanpur P.S. Case No. 124 of 2021 registered for the
offence under Sections 20, 22, 23, 24, 27 and 29 of the NDPS
Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.06.2021.

The allegation against the petitioner is to have
involved in illegal business of contraband i.e. Ganja along with
other co-accused persons.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced on the basis of disclosure made by co-accused, Ranjan Kumar and Laxmi Devi, who have already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 59971 of 2021 dated 10.02.2022. It has further been submitted that in pursuance of said disclosure, recovery of 4 kg contraband i.e. Ganja was made from house of the petitioner, which was jointly occupied by other family members, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It has further been submitted that recovery of contraband is less than commercial quantity. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery of contraband is less than commercial quantity and same has been recovered from jointly occupied house of the petitioner, as per FIR.

Considering the facts and circumstances as mentioned above, as alleged recovery of contraband i.e. Ganja has not been



made from conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bhagwanpur P.S. Case No.124 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Vaishali at Hajipur/concerned court, subject to the following conditions:

“(i)Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Sita Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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