

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12275 of 2022

Arising Out of PS. Case No.-319 Year-2020 Thana- BOCHAHAN District- Muzaffarpur

JITENDRA KUMAR SAHNI @ JITENDRA SAHNI SON OF AKALU
SAHNI R/O VILLAGE- RAJWARA, P.S.- MUSAHARI, DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-06-2022 Heard counsel for the petitioner and the learned A.P.P.
for the State.

The petitioner seeks regular bail in connection with
N.D.P.S. Case No. 127 of 2020, arising out of Bochaha P.S.
Case No. 319 of 2020, lodged under Sections 414/34 of the
Indian Penal Code and Sections 20/22 of the N.D.P.S. Act.

As per allegation made in the F.I.R., there was raid
made at the house of Rami Sahni from where 7-8 persons fled
away where Raj Kumar Sahni and Laxman Sahni were caught
and from their possession 240 gms. of ganja like material was
recovered from the possession of arrested accused persons.

Learned counsel for the petitioner submits that in the
present case, N.D.P.S. is not applicable at all due to the reason



that there is no recovery from the possession of the petitioner. He further submits that petitioner is in custody since 16.11.2021. He further submits that co-accused persons having similar allegation and co-accused from whose possession ganja was recovered were granted bail by a co-ordinate Bench of this Court vide order dated 30.07.2021 passed in Cr. Misc. No. 21372 of 2021 respectively.

Learned APP for the State opposes the prayer for bail.

Considering the fact of this case that there is no recovery of NDPS material from the possession of the petitioner as also period of custody, charge-sheet has already been filed, let the petitioner, above named be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge, N.D.P.S. Act, Muzaffarpur, in connection with N.D.P.S. Case No. 127 of 2020, arising out of Bochaha P.S. Case No. 319 of 2020, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the Court.

(ii) At the time of furnishing bail bond, the petitioner



shall file an affidavit to the effect that he shall not indulge himself in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Dr. Anshuman, J)

Ranjeet/-

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