

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12371 of 2022

Arising Out of PS. Case No.-131 Year-2021 Thana- MUZFFARPUR GRP CASE District-
Muzaffarpur

=====

PANKAJ SAHANI, S/o Late Godhan Sahani Resident of Village-
Chandwara, Sada Godown, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand

For the Opposite Party/s : Mr. Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 27-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with
N.D.P.S. Case No. 136 of 2021, arising out of Muzaffarpur
Rail P.S. Case No. 131 of 2021, dated 22.09.2021,
registered for the offences punishable under Sections 401
and 34 of the I.P.C. and Section 8/20 of the N.D.P.S. Act.

As per allegation, on patrolling at Muzaffarpur



Railway Station, the police arrested the petitioner and recovered a piece of blade, Samsung Mobile, cash of Rs. 380/- and 12 Lorazepam Tablets.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He submits that even going by the allegation that 12 Lorazepam tables (2 mg each) have been recovered from the possession of the petitioner, the maximum quantity of seized narcotics is 24 mg and as per the schedule to the N.D.P.S Act, 10 gm is small quantity and as such the recovered narcotics is much lower than the small quantity. He also submits that the petitioner was suffering from depression and he was taking this tablet as a medicine. He further submits that the search and seizure has not been made as per the rules provided in the NDPS Act. He further submits that the petitioner has been languishing in jail since 23.09.2021, i.e., for about 10 months.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.



It has further been stated in paragraph no. 3 that earlier the petitioner has been made accused in three cases, namely, Muzaffarpur Rail P.S. Case No. 82 of 2015; Muzaffarpur Rail P.S. Case No. 401 of 2018; and Muzaffarpur Rail P.S. Case No. 149 of 2019, in which he is on bail.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, particularly the period of custody, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned IInd. Additional Sessions Judge-cum-Special Judge, N.D.P.S. Act, Muzaffarpur, in connection with N.D.P.S. Case No. 136 of 2021, arising out Muzaffarpur Rail P.S. Case No. 131 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to



remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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