

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13066 of 2022

Arising Out of PS. Case No.-646 Year-2021 Thana- KANTI District- Muzaffarpur

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1. SHIVAJEE SAHNI Son of Nanhak Sahni Resident of Village- Shyampur, P.S.- Bhagwanpur, District- Vaishali.
 2. Bibhishan Kumar Son of Jai Prakash Sahni Resident of Village- Bithauli, P.S.- Bhagwanpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-06-2022 Heard learned counsel appearing on behalf of the
petitioners and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioners seek regular bail in connection with
Kanti P.S. Case No. 646 of 2021 for the offence punishable
under Sections 8/20(b)(ii)(A) of the N.D.P.S. Act.

As per the allegation made in the F.I.R., 4 Kg of ganja
was recovered from the possession of the petitioners namely
Shivajee Sahni and Bibhishan Kumar.

Learned counsel appearing on behalf of the petitioners



submits that the alleged recovery of ganja from the possession of the above named petitioners is less than commercial quantity. Petitioners have clean antecedent. He further submits that from perusal of the seizure list, it would appear that the same was prepared in police custody and the petitioners have been implicated in the present case on mere suspicion.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

Considering the nature of allegation made in the F.I.R. the quantity of contraband (allegedly ganja) is less than the commercial quantity, without going into the merits of the case, the petitioners who are in custody since 13.10.2021, are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-I, Muzaffarpur in connection with Kanti P.S. Case No. 646 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.



(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para- 3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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