

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13544 of 2022

Arising Out of PS. Case No.-131 Year-2021 Thana- KANTI District- Muzaffarpur

KAILASH SAHANI @ KASHIA SON OF LATE LAKHAN SAHANI R/O
VILLAGE- KOTHIA, P.S.- KANTI, DISTRICT- MUZAFFARPUR, STATE-
BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Suresh Pd. Singh,APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-07-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within one
month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Kanti P.S. Case no. 131 of
2021 corresponding to NDPS Case no. 16/2021 registered for the
offence punishable under sections 399, 400, 402 of the Indian Penal
Code, sections 25, 26, 35 of the Arms Act and sections 20/22 of
NDPS Act.

As per allegation, police got information that accused
persons had assembled at some place to commit offence of loot and
thereafter police raided the said place and arrested six persons
including the petitioner and three persons managed to escape. From
the possession of this petitioner 225 gram narcotic material purported



to be **charas** was recovered and from the persons of co-accused namely, Dev Kumar and Munna Sahani loaded country made pistols were recovered along with some cartridges.

The main submissions advanced by the learned counsel for the petitioner are that as per prosecution case seizure of the alleged articles was prepared before the persons of the raiding party not before the independent witnesses while as per FIR place of search was located at public place and provisions of 50 NDPS Act were not complied with by the police while making search. Further submission is that police submitted charge sheet without obtaining FSL report of alleged contraband, three co-accused persons namely, Ranjan Kumar, Rakesh Kumar, Munna Sahni have been considered by a coordinate bench of this court vide orders passed in Cr. Misc. no. 39062/2021 and Cr. Misc. no.57039/2021 and case of the petitioner stands on similar footing.

Learned APP has opposed the prayer for bail.

Heard both sides, perused the FIR and seizure list attached to the FIR. As per FIR and seizure list from the person of this petitioner 225 gram narcotic material suspected to be charas which is more than small quantity and said allegation appearing against the petitioner differentiates his case from other co-accused persons who have been granted bail by a coordinate bench of this court and moreover, he has criminal antecedent of 09 cases.

In my view, in light of these facts, petitioner does not



deserve privilege of bail and accordingly, his prayer for bail stands rejected.

Petitioner may renew his prayer for bail after examination of witnesses of seizure.

(Shailendra Singh, J)

s.hassan/-

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