

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15061 of 2022

Arising Out of PS. Case No.-268 Year-2021 Thana- BARGAINIA District- Sitamarhi

RAM AYODHYA SAHANI, SON OF LATE JIYALAL SAHANI RESIDENT
OF VILLAGE- MADHU-CHHAPRA, POLICE STATION- BAIRGANIA,
DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Madhubala Verma

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 14-07-2022 Heard Ms. Madhubala Verma, learned counsel for

the petitioner and learned APP for the State.

The petitioner seeks bail in connection with
Bairgania P.S. Case No. 268 of 2021, registered for the
offences punishable under Section 8/20(b)(ii) of the
N.D.P.S. Act.

As per allegation, 4.8 kg of *Ganja* was recovered
from the cottage of the petitioner.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. He submits that the alleged "*Ganja*" was not
recovered from the conscious possession of the petitioner.



He further submits that the quantity of the alleged recovery of narcotics "*Ganja*" is just above the small quantity and much lower than commercial quantity. It has further been submitted that the search and seizure of the alleged recovery of narcotics has not been made as per the mandatory rules as provided in the NDPS Act.

The petitioner is in custody since 02.12.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the facts and circumstances 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 Special Judge, Sitamarhi in connection with Bairgania P.S. Case No. 268 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 any criminal antecedent, 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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