

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27304 of 2021

Arising Out of PS. Case No.-547 Year-2020 Thana- HARSIDHI District- East Champaran

RAMDHANI SAHANI Son of Lorik Sahani @ Lodik Sahani Resident of village - Tikuliya Ward no. 4, P.S. - Muffasil (Motihari), District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 05-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Petitioner who is in custody since 06.02.2021 seeks regular bail in connection with N.D.P.S. Case No. 75 of 2020 arising out of Harsidhi P.S. Case No. 547 of 2020 registered for offences punishable under Sections 399, 402, 411, 412, 413 of the Indian Penal Code, Sections 25(1-b)a, 26/35 of the Arms Act and Sections 21, 22 of the Narcotic Drugs and Psychotropic Substances Act (N.D.P.S. Act).

Prosecution case in brief is that some miscreants have assembled to commit loot of truck and when the police party intercepted the vehicle in question the accused persons who



were seven in numbers tried to flee away however, all the seven persons were apprehended.

Learned counsel appearing on behalf of the petitioner submits that so far as the present petitioner is concerned one red and orange colour nylon rope is said to have been recovered from the petitioner. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that the alleged rope was found on the roadside in abundant condition and due to some altercation with the police he has been implicated in the present case showing recovery of rope from his possession. He further submits that the petitioner has got one criminal antecedent in which he is on bail as per paragraph no. 3 of the petition. It is submitted on behalf of the petitioner that other co-accused persons namely, Prakash Kumar @ Prakash Sah was released on bail vide order dated 25.10.2021 passed in Cr. Misc. No. 27803 of 2021, Devendra Yadav was released on bail vide order dated 23.11.2021 passed in Cr. Misc. No. 27257 of 2021, Dharamveer Singh was released on bail vide order dated 02.09.2021 passed in Cr. Misc. No. 26514 of 2021 and the other co-accused Ram chela Rai has also been released on bail vide order dated 23.11.2021 passed in Cr. Misc. No. 27423 of 2021.



Learned A.P.P., however opposes the prayer for bail.

Considering the facts and circumstances of the case, the petitioner above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge, Motihari, East Champaran in connection with N.D.P.S. Case No. 75 of 2020 arising out of Harsidhi P.S. Case No. 547 of 2020 subject to the following conditions:

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

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

(iii) If the petitioner tampers 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 petitioner.

(Purnendu Singh, J)

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