

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18204 of 2022

Arising Out of PS. Case No.-253 Year-2021 Thana- PIPRAHI District- Sheohar

Mahesh Sahni Son of Late Rambriksh Sahni Resident of Village - Belwa
Narkatiya, P.S.- Piprahi, Distt.- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Solicitor General of India, Patna High Court Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Sections 20, 22 and
24 of the N.D.P.S. Act, 1985.

Allegation is of recovery of 1kg & 700 gm Ganja, one
copy, four diary, Rs. 2,64,000/- of Indian currency and Rs.
36,040/- of Nepali currency from the house of the petitioner.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. Further, it is submitted that the name of the petitioner



transpired in this case by his enemy due to village politics. Learned counsel for the petitioner submits that there is no compliance of Section 100 of Criminal Procedure Code. Further, it is submitted that no contraband *Ganja* has been recovered from the conscious possession of the petitioner and seized articles does not belong to the petitioner. Moreover, the said seized contraband Ganja is more than small quantity and less than commercial quantity. It is further submitted that the petitioner is in custody since 06.12.2021 has antecedent of three cases and charge-sheet has been submitted in the case.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, Sheohar in connection with Pirprahi P.S. Case No. 253 of 2021 subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

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

(Khatim Reza, J)

Gaurav Kumar/-

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