

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23374 of 2022

Arising Out of PS. Case No.-316 Year-2021 Thana- MALSALAMI District- Patna

Chhotu Sahni @ Ghogha S/o Late Shankar Shahni Resident at Village -
Sawarchak Hata (Patna City), P.S. - Malsalami, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Special Case No. 94 of 2021 arising out of Malsalami P.S. Case No. 316 of 2021 registered for the offences punishable under Sections 25 (1-b)a/26/35 of the Arms Act and 8/20(b)(ii)(B) of the N.D.P.S. Act.

The case relates to recovery of one loaded country-made pistol, one Vivo mobile phone and 1.5 Kg Ganja, one steel knife and Rs. 500/- from possession of the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has



falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that one loaded country-made pistol, one Vivo mobile phone and 1.5 Kg Gana, one steel knife and Rs. 500 has been recovered from possession of the petitioner. He further submits that there is non-compliance of Section 50 of N.D.P.S. Act and the recovered contraband is less than the commercial quantity so there is no embargo of Section 37 of N.D.P.S. Act to enlarge the petitioner on bail and the Police after investigation, submitted the charge sheet against the petitioner on 18.09.2021 and the petitioner is in judicial custody since 08.08.2021.

The learned Additional Public Prosecutor opposed the prayer for bail and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Special Judge NDPS cum Sessions Judge-XVI, Patna in connection with Special Case No. 94 of 2021 arising out of Malsalami P.S. Case No. 316 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 shall remain physically present as directed 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. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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