

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33261 of 2021

Arising Out of PS. Case No.-273 Year-2020 Thana- KANTI District- Muzaffarpur

Sanjay Kumar S/o Kishori Sahani Resident of Village- Kolhua Imli Chawk,
P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Zonal Director, Narcotics Control Bureau, Bihar, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate
For the Opposite Party/s : Mr. Md. Ambzarul Haque, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

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 N.D.P.S. Case
No. 37 of 2020, arising out of Kanti P.S. Case No. 273 of 2020
registered for the offences punishable under Sections 399, 402,
411 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the
Arms Act and Section 8, 20, 22 of the N.D.P.S. Act.

According to prosecution case, on search one loaded
country made pistol and 2 Kg. of Ganja was recovered from the



possession of the co-accused Satan Sahani.

Learned counsel for the petitioner submits that petitioner has clean antecedent 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 nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from the possession of the co-accused namely Satan Sahni who has been granted bail by a co-ordinate Bench of this Court vide order dated 12.02.2021 passed in Cr. Misc. No. 39143 of 2020 and another co-accused namely Indrajit Kumar @ Chhotu has also been granted bail vide order dated 17.03.2021 passed in Cr. Misc. No. 41132 of 2020. The petitioner is in custody since 18.05.2020.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail.

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 8th Sessions Judge-cum-Special Judge, N.D.P.S. Act, Muzaffarpur in connection with N.D.P.S. Case No. 37 of 2020, arising out of



Kanti P.S. Case No. 273 of 2020, 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)

mdrashid/-

U		T	
---	--	---	--

