

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34110 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- MUSAHARI District- Muzaffarpur

ANIL SAHNI @ ANIL KUMAR SAHANI Son of Mahesh Sahni @ Mahesh Sahani Resident of Village - Sikandarpur Near Rameshwar Singh College, P.S.- town, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-09-2022 Heard learned counsel for the petitioner and learned counsel for the State.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioner is in judicial custody in connection with Mushahari P.S. Case No. 14 of 2020 (NDPS Case No. 60 of 2022 for the offences under Sections 411, 414 of the Indian Penal Code and section 25(1-b), 26 and 35 of the Arms Act and section 20 and 22 of the NDPS Act.

As per the prosecution story, the police upon secret information reached the place and saw eight persons trying to escape. They were apprehended and it is alleged that upon search from this petitioner, the country made revolver with live



cartridge were recovered/seized. As he failed to show any document, the FIR was lodged and the petitioner was taken into custody.

Learned counsel for the petitioner submits that although from the other accused persons smack and other incriminating articles were recovered/seized. So far as this petitioner is concerned, the allegation is of recovery of country made revolver and live cartridge and even the said allegation has imposed upon him by the police due to his criminal antecedent.

Taking into account the aforesaid facts as that he is in custody since 21.01.2022 (as stated in paragraph-13 of the bail application), charge sheet stands submitted, this Court is inclined to grant him the privilege of bail after framing of charge in view of the fact that he has one dozen criminal cases under his belt.

Let the petitioner be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge cum Spl. Judge, Muzaffarpur in connection with Mushahari P.S. Case No. 14 of 2022 (NDPS Case No. 60 of 2022 , subject to the following conditions:-



(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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