

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36943 of 2022

Arising Out of PS. Case No.-319 Year-2020 Thana- BOCHAHAN District- Muzaffarpur

Chote Sharma @ Devendra Sharma, Son of Late Jalim Sharma, R/o Village-
Rajwara, P.S.- Mushahari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Choubey Jawahar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-08-2022 Heard Mr. Anish Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Choubey Jawahar, learned
A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Bochahan P.S. Case No. 319 of 2020 for the offence punishable
under Sections 414/34 of the Indian Penal Code and Sections 20
and 22 of the N.D.P.S. Act.

The prosecution story, in brief, is that a raid was
conducted by S.H.O., Bochahan in the house of Ramu Sahani.
7-8 persons were apprehended and the present petitioner
managed to flee away from the place of occurrence. 240 grams



ganja each was recovered from the possession of co-accused Raj Kumar Sahani and Laxman Sahani. Name of the petitioner has surfaced in the present case on the disclosure made by co-accused Raj Kumar Sahani and Laxman Sahani.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case by co-accused Raj Kumar Sahani and Laxman Sahani. Petitioner is not associated with them in any manner nor he is related to the aforesaid co-accused. The police has not recovered any incriminating material from possession of the petitioner or from his house in course of investigation. Petitioner is in custody since 14.12.2020.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Having considered the rival submissions of the parties and taking into account the fact that the petitioner has been made accused on the basis of disclosure made by co-accused which were apprehended on the spot, from whose possession 240 grams of ganja each was recovered which is less than the commercial quantity, petitioner is in custody since 14.12.2020 and charge sheet has already been submitted. I am of the opinion that, prima facie, the petitioner has made out a case to



be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Muzaffarpur in connection with Bochahan P.S. Case No. 319 of 2020, subject to the following conditions:-

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

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

(3) 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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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