

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36836 of 2022

Arising Out of PS. Case No.-259 Year-2022 Thana- AHYAPUR District- Muzaffarpur

DEV KUMAR SAHNI Son of Rampukar Sahni Resident of Village-Matlupur,
Bakhardaura Tola, P.S.-Pear (Hatha O.P.), District-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

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

The case is registered under section 401 of the
Indian Penal Code and Section 25(1-b) A, 26/35 of the Arms Act
and Section 21(b) of NDPS Act, in connection with Ahiyapur
P.S. Case No. 259 of 2022.

The police upon secret information started
checking of the vehicle and in course of which they saw a
Tempo coming towards them. As he came nearer, one person
jumped from it and tried to escape. He was caught who gave his
name as Om Prakash Chautala and upon search 24 pouches of
'Smack' like substance weighing 12 grams and Rs. 4000/- was



recovered/seized. Similarly, from Arjun Kumar, one country made pistol was recovered along with live cartridge. So far as this petitioner is concerned, upon search, nothing was recovered. However, they were passenger of the same Tempo. The FIR was lodged and he was taken into custody and is in jail since 4.4.2022.

Considering the fact that recovery has been attributed to Om Prakash Chautala and Arjun Kumar, nothing has been recovered from conscious possession of the petitioner the charge-sheet stands submitted, and is in jail since 4.4.2022, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 259 of 2022, NDPS Case No. 87 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members 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) the petitioner 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)

Ravi/Ajay Singh

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