

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50460 of 2021

Arising Out of PS. Case No.-278 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

=====

SANTOSH SAHANI Son of Shankar Sahani Resident of Village - Tikuliya,
P.S.- Pipra, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 23-02-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 414, 420, 467, 468, 471 and 120B of the Indian Penal Code, sections 25(1-B) (a), 26 and 35 of the Arms Act and sections 8 and 20(b)(ii)(C) of the NDPS Act.

As per the prosecution case, while charas etc. is said to have been recovered from the possession of the co-accused, from the possession of the petitioner it is stated that some *purchas* with the slogan Bihar Sahni Population BSPA *Jindabad* was recovered.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the



petitioner's possession. Referring to the contents of the FIR as also from the order of the learned court below, it is submitted by learned counsel for the petitioner that both talk of recovery of only *purchas* from possession of the petitioner and three others. They were not near the place of occurrence where the charas is said to have been recovered. He is in custody since 9.7.2021 and chargesheet has been submitted in the case.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner, the petitioner having remained in custody for 7 months and investigation in the case having concluded, the petitioner is directed to be enlarged on bail in connection with N.D.P.S. Case no. 43 of 2021 (arising out of Muffasil P.S. Case no. 278/2021) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge / Special Judge, Motihari, District East Champaran.

(Partha Sarthy, J)

Spd/-

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

