

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40274 of 2022

Arising Out of PS. Case No.-753 Year-2020 Thana- AHİYAPUR District- Muzaffarpur

BABLU SAHNI S/O CHANDESHWAR SAHNI Resident of village- Dhara
patti, P.S.- Aurai, District- Muzaffarpur. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-10-2022 Heard learned counsel for the petitioner and Mr.
Jitendra Kumar Singh, learned APP who represents the State.

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

The case is registered under sections 20/22 of the
NDPS Act and Section 25(1-b)a, 26, 35 of the Arms Act, in
connection with Ahiyapur P.S. Case No. 753 of 2020.

As per the prosecution story, the police during
vehicle checking got information that some miscreants have
assembled to commit grave offence and accordingly saw a
motorcycle coming from other side. When signaled, they tried to
escape but were apprehended. He was Lalit Sahni and upon
search, 1.25 kg ‘Ganja’ and two live cartridges as also mobile
were recovered. Further, on his confession, the police raided the
hut from where the accused persons including the petitioner
herein were apprehended. At the time of their arrest, it is alleged



that they were consuming 'Charas'/'Ganja'.

Learned counsel for the petitioner submits that only because of the confessional statement of Lalit Sahni and on the basis of the fact that he has criminal antecedent, he has been apprehended, although, nothing has been recovered from his conscious possession and he is in custody since 4.4.2022 (as stated in para-10 of the bail application).

Taking into account the aforesaid facts that recovery/seizure has been shown from accused Lalit Sahni, the petitioner when apprehended is alleged to have been consuming 'Ganja' and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional District and Sessions Judge, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 753 of 2020 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 reason will entail cancellation of his/her bail bond by the Trial Court itself;

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

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) 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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