

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50072 of 2021

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

SHIVAM SAHANI S/O Krishna Sahani Resident of Village - Bhataha, P.S. -
Muffasil, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 04-04-2022 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, 20(B)(ii) and (c) of the NDPS Act.

As per the prosecution case, one country made pistol, three live cartridges, charas etc were recovered from the possession of the accused persons. It is stated that in the attempt to escape, some of the accused including the petitioner herein fell down and a stolen motorcycle was recovered from the possession of the petitioner. So far as charas is concerned, the same was recovered from the possession of co-accused Ovarsiya



Sahani.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the petitioner's possession who has been falsely implicated in the case. He is in custody since 2.6.2021 and charge sheet has been submitted in the case.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner having remained in custody for 9 months, the Court directs the petitioner to be enlarged on bail in connection with N.D.P.S. Case no. 43 of 2021 (arising out of Mufassil P.S. Case no. 278 of 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, East Champaran, Motihari.

(Partha Sarthy, J)

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