

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41417 of 2022

Arising Out of PS. Case No.-198 Year-2022 Thana- AHYAPUR District- Muzaffarpur

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RANJEET KUMAR SAHANI @ RANJEET KUMAR Son of Ram Pramod
Sahani Resident of village- Khadhar @ Kharhar Gosaipur, P.S- Minapur,
district- Muzaffarpur Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-11-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

N.D.P.S. Case No. 74 of 2022 arising out of Ahiyapur P.S. Case

No. 198 of 2022 registered for the offences punishable under

Sections 8(C) /21(b) of N.D.P.S. Act and 25(1-b)A, 26, 35 of

Arms Act.

As per prosecution case, there is alleged recovery

of one country made loaded Kutta alongwith 6 gm Smack like

substance from the possession of the petitioner.

Learned counsel for the petitioner submits that



petitioner is in custody since 12.03.2022. Petitioner bears criminal antecedent of two cases. Learned counsel for the petitioner further submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Nothing has been recovered from conscious possession of the petitioner and has been falsely implicated in this case. Petitioner is quite innocent and has not been committed any offence as alleged in FIR. Proper procedure of Section 50 of NDPS Act has not been followed.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Muzaffarpur in connection with N.D.P.S. Case No. 74 of 2022 arising out of Ahiyapur P.S. Case



No. 198 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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