

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54127 of 2021**

Arising Out of PS. Case No.-260 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Nand Kishor Sahni S/o Ganesh Sahni R/o village- Sheikhpur Dhab, P.S.-
Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh

For the Opposite Party/s : Mr.Shantanu Kumar

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 13-01-2022 Let the defects, if any, be removed within four
weeks of the complete start of the Physical Court.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with N.D.P.S Case No. 34 of 2021 arising out of
Ahiyapur P.S.Case No. 260 of 2021 for the offences punishable
under Section 401,411/34 of the Indian Penal Code.

According to the prosecution case, three to four
persons were assembled for committing crime but seeing the
police party they tried to fled away but apprehended by the
police. On search Md. Arman -500gm, Md. Alam-400 gm and
Nand Kishore Sahani-450 gm ganja, some cash and Bajaj
Maxima Tempoo were recovered from their possession.



Learned counsel for the petitioner submits that petitioner has clean antecedent and has been falsely implicated. It appears from the F.I.R along with seizure list itself, that 450 gm Ganja has been recovered from conscious possession of the petitioner but it is less than commercial quantity as per notification issued under NDPS Act 1985. A small quantity of Ganja has been recovered from possession of the petitioner and hence, there is no bar for this Court to grant privilege of bail to the petitioner. He is in custody since 09.04.2021.

The learned A.P.P opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties and period of detention of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Muzaffarpur in connection with Ahiyapur P.S.Case No. 260 of 2021,subject to the following conditions;-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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