

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.56560 of 2021**

Arising Out of PS. Case No.-290 Year-2020 Thana- KARJA District- Muzaffarpur

Binod Sahni @ Binod Sahani @ Vinod Sahni, S/o- Mahadev Sahni, R/o
Village - Sahtha, P.S. - Bhagwanpur, District - Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-04-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within two weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Karja P.S. Case No.290 of 2020 registered for
the offences punishable under Section 414/34 of the Indian
Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act and
Sections 20 and 22 of the N.D.P.S. Act. He is in custody since
25.11.2020. The petitioner has got no criminal antecedent.

As per the prosecution story, when the petitioner was
intercepted by police officials in course of checking of vehicles,



police recovered one country made loaded katta and two cartridges and 300 gms of charas like powder from the pocket of the co-accused Md. Azad. So far as this petitioner is concerned, it is alleged that from his possession 300 gms charas like powder was recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is in custody since 25.11.2020. It is further submitted that despite the petitioner's stay in jail for about one and half year, the trial has not progressed and the evidence has yet not started.

It is his further submission that the quantity of charas is much less than the commercial quantity as notified under the provisions of the N.D.P.S. Act and the rigours of Section 37 of the N.D.P.S. Act would not be attracted in the present case.

Mr. Akhileshwar Dayal, learned APP for the State has confirmed that the quantity of charas allegedly recovered from the possession of the petitioner is less than the commercial quantity.

Having regard to the submissions noted hereinabove, the quantity of charas being less than the commercial quantity and the bar of Section 37 of the N.D.P.S. Act would not be attracted in the present case, the petitioner has no criminal



antecedent and has remained in custody for about one and half year, still the trial has not progressed and is not likely to be concluded in near future, in the circumstances, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Muzaffarpur in connection with Karja P.S. Case No.290 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 petitioner has concealed his 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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

