

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65201 of 2021**

Arising Out of PS. Case No.-326 Year-2020 Thana- BOCHAHAN District- Muzaffarpur

Phulo Sahni Son of Loha Sahni Resident of Village- Sanathi, P.S.- Bochahan,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Advocate
For the State : Mr. Satya Nand Shukla, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 30-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bochahan
P.S. Case No. 326 of 2020 registered for the offence under
Sections 20 and 22 of the N.D.P.S. Act and Sections 25(1-b)a,
26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.12.2020.

The allegation against the petitioner is to have in
possession of country made pistols and live cartridges,
contraband i.e., 10.2 kg of Ganja and about 1 kg Charas.

Learned counsel appearing on behalf of the petitioner



submitted that nothing recovered from the conscious physical possession of the petitioner, i.e. either contraband or fire arms. It has been submitted that from the seizure list, it appears that the recovery of contraband is less than commercial quantity and compliance of Section 100 of Cr.P.C. has not been made in the present case. Moreover, the petitioner is a man of clean antecedent and chagesheet has already been submitted in this case, as such, there is no chance of tampering of evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the seized contraband, i.e. Ganja and Charas, is less than commercial quantity.

Considering the facts and circumstances as mentioned above, as recovered contraband is less than commercial quantity and petitioner is a man of clean antecedent coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Bochahan P.S. Case No. 326 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Muzaffarpur subject to the following conditions:



“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Indal Sahni, who is the cousin uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shashank/-

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