

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58370 of 2022

Arising Out of PS. Case No.-85 Year-2022 Thana- MINAPUR District- Muzaffarpur

Sikandar Kumar Sahni@ Sikandar @ Sikandar Sahani S/O Ram Babu Sahani
Resident Of Village- Dharpur, P.S.- Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok
For the Opposite Party/s	:	Mr. Sharda Kumari
For the State	:	Mr. Upendra Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Minapur Case No. 85 of 2022, registered for the offences

punishable under Sections 272, 273 and 34 of IPC and

Section 30(a) of Bihar Prohibition and Excise Act and 20/22

NDPS Act.

As per allegation, 30 sachets and 20 sachets of

smack like substances have been recovered from the

possession of one Shamshad and Avinash, respectively.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in



this case. He also submits that nothing has been recovered from the conscious possession of the petitioner and he was not arrested on the spot. He further submits that his name transpired only on the confessional statement of the co-accused. He also submits that similarly situated co-accused person has already been enlarged on bail by a coordinate Bench of this Court vide order dated 06.08.2022 passed in Cr. Misc. No. 30979 of 2022.

The petitioner has been languishing in jail since 02.06.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in eleven more cases.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. I, Muzaffarpur in connection with Manipur Case No. 85 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal



antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

ramesh/-

U		T	
---	--	---	--

