

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70352 of 2021

Arising Out of PS. Case No.-319 Year-2020 Thana- BOCHAHAN District- Muzaffarpur

Rajesh Sahni Son of Late Jagroop Sahni Resident of village - Rajwara, P.S.-
Mushhari, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Adv.

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2022 Heard learned counsel for the parties.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Bochaha P.S. Case No.319 of 2020 (N.D.P.S. Case
No.127/2020) instituted under Section 414/34 of the Indian
Penal Code and Section 20, 22 of the N.D.P.S. Act.

As per the prosecution story, the police upon secret
information that one Ramu Sahni has brought an iron locker in
his house for its verification went to his house. It is alleged that
upon seeing the police, while some people managed to escape,
two of them were apprehended who named themselves as Raj
Kumar Sahni and Laxman Sahni. They also gave the name of
the persons who escaped including the petitioner herein. Upon
search, it is alleged that 240 grams of ‘*Ganja*’ each amongst



other was/were recovered/seized from both the accused persons.
Accordingly, they were taken into judicial custody.

Learned counsel for the petitioner submits that the petitioner was not present at the place of occurrence, nothing has been recovered from his conscious possession and only on the basis of the statement made by the co-accused, his name has been dragged for which he has already suffered a lot by being in jail since 20.03.2021 (as stated in para-14 of the bail application). She further submits that one of the co-accused Laxman Sahani has since been granted bail by a co-ordinate Bench of this Court on 30.07.2021 vide Cr. Misc. No.21372/2021.

Let the order dated 30.07.2021 passed in Cr. Misc. No. 21372 of 2021 be kept on record.

Considering the aforesaid fact that the petitioner was not arrested from the spot, nothing has been recovered from his conscious possession and is in jail since 20.03.2021 as also that the charge sheet stands submitted and one of the co-accused has since been granted bail, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the



like amount each in connection with Bochaha P.S. Case No.319 of 2020 (N.D.P.S. Case No.127/2020) to the satisfaction of learned Fourth Additional Sessions Judge-cum-Special Judge, Muzaffarpur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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

