

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1595 of 2022

Arising Out of PS. Case No.-278 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Raja Sahani, S/O Dukhan Sahani, R/o village- Jhakhia, P.S.- Banjaria,
District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union Of India

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Asif Kalim, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-10-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with N.D.P.S. Case No. 43 of 2021, arising out of
Muffasil P.S. Case No. 278 of 2021, registered for the alleged
offences under Sections 414, 420, 467, 468, 471 and 120 (B) of
the Indian Penal Code, Sections 25(1-b)a, 26, 35 of the Arms
Act and Sections 8/20(B) (ii) (c) of the N.D.P.S. Act.

As per prosecution case, on secret information that
some criminals were assembled, the place was raided and some
of the co-accused persons were arrested with firearms and



narcotics substance. The name of the petitioner came up in the confessional statement of co-accused person.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He has not been apprehended from the spot. Nothing incriminating has been recovered from the person/possession of the petitioner. The name of the petitioner came up in the confessional statement of co-accused Oversier Sahani, but the petitioner has got no concern with the criminal gang of the co-accused. The other co-accused persons, who have been arrested from the spot, have been granted bail by different Coordinate Benches of this Court vide order dated 25.02.2022 passed in Cr. Misc. No.51915 of 2021, order dated 04.04.2022 passed in Cr. Misc. No.50072 of 2021 and order dated 23.02.2022 passed in Cr. Misc. No.50460 of 2021, respectively. Similarly placed co-accused Chandan Chourasiya has been granted bail by this Court vide order dated 05.07.2022 passed in Cr. Misc. No. 11723 of 2022. The case of the petitioner is on better footing as he has neither been arrested from the spot nor anything has been recovered from his person/possession. The petitioner has also been made accused in one other case. The petitioner is in custody since 24.08.2021 and the charge sheet has been



submitted.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been apprehended from the spot and nothing incriminating has been recovered from his possession and further considering the fact that charge sheet has been submitted and the petitioner is in custody since 24.08.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge, East Champaran at Motihari in connection with N.D.P.S. Case No. 43 of 2021, arising out of Muffasil P.S. Case No. 278 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates



or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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