

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.802 of 2022

Arising Out of PS. Case No.-374 Year-2021 Thana- AHYAPUR District- Muzaffarpur

RAVI KUMAR @ RAVISH SAHANI S/o Late Mahesh Sahani R/o village-
Shekhpur Dhab, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1239 of 2022

Arising Out of PS. Case No.-374 Year-2021 Thana- AHYAPUR District- Muzaffarpur

SOBHAN KUMAR @ SOBHAN SAHNI Son of Baidhnath Sahni Resident
of Village Shekhpur Dhab, P.S.- Ahiyapur, District - Muzaffarpur- 842002.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 802 of 2022)

For the Petitioner/s : Mr.Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

(In CRIMINAL MISCELLANEOUS No. 1239 of 2022)

For the Petitioner/s : Mr.Subodh Kumar, Advocate

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 29-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State in both the applications.

The petitioners seek bail in a case registered for the



offence under Sections 399,402 of the Indian Penal Code and Sections 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25(1-b)a,26,35 of Arms Act.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that 15 Puriya of smack has been recovered from possession of petitioner Ravi Kumar @ Ravish Sahani and one loaded country made pistol has been recovered from possession of petitioner Sobhan Kumar @ Sobhan Sahni. He further submits that there is non-compliance of of Section 50 of NDPS Act. Further submits that it appears from the FIR as well as seizure list that there is no weight of the alleged contraband which was recovered from possession of petitioner Ravi Kumar @ Ravish Sahani and there is no embargo of Section 37 of NDPS Act to enlarge the petitioners on regular bail and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 14.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that petitioner Ravi Kumar @ Ravish Sahani carries seven more cases and petitioner Sobhan Kumar @ Sobhan Sahni carries one more case other than the



present one .

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with NDPS Case No. 66 of 2021 arising out of Ahiyapur P.S.Case No. 374 of 2021 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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