

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.800 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- KARJA District- Muzaffarpur

UMESH SAHNI Son of Sakal Dev Sahni Resident of Village- Barkagaon Utri,
P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh
For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Karja P.S. Case No. 177 of 2021 registered for the offences punishable under Sections 8, 20(B)(ii)(A) of the N.D.P.S. Act.

As per prosecution case, there is alleged recovery of 500 gram Ganja besides other materials from a plastic bag carrying by the petitioner namely Umesh Sahani.

Learned counsel for the petitioner submits that petitioner is in custody since 24.08.2021. The petitioner bears criminal antecedent of five cases in which he is on bail in two cases. Charge sheet has already been submitted and there is no



likelihood of tampering with the prosecution evidence. Learned counsel further submits that overwriting can be well witnessed at several places in the self statement of informant such as in mentioning date and time at the heading of self statement and at the place of mentioning 500 gram Ganja. It has further been submitted that the petitioner was apprehended during the course of fleeing away but it is strange to say that petitioner did not throw away incriminating material which was allegedly recovered from the handle of alleged motorcycle. It has been submitted that as a matter of fact no incriminating material has been recovered from the personal possession of the petitioner and petitioner was falsely implicated in the present case on account of his previous criminal history. In the present case Section 42 and 50 of NDPS Act has not been complied with. Learned counsel further submits that recovered narcotic substance of Ganja is 500 gram which is less than small quantity.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the petitioner and also taking into consideration the material available



on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S., Muzaffarpur in connection with Karja P.S. Case No. 177 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

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

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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