

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14716 of 2023

Arising Out of PS. Case No.-753 Year-2020 Thana- AHYAPUR District- Muzaffarpur

Omprakash Chautala @ Sipahi Son of Harendra Sahni R/V- Dharopatti, P.S-
Aurai, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

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

03. In the present case, the petitioner seeks bail in
connection with NDPS Case No. 228 of 2022 arising out of
Ahiyapur P.S. Case No. 753 of 2020 registered on 17.09.2020
for the alleged offences under Sections 20 and 22 of the NDPS
Act and Sections 25(1-b)a/26/35 of the Arms Act.

04. As per prosecution case, the recovery of 1.25 Kg
Ganja was made from the motorcycle of the co-accused Lalit
Sahni and further two live cartridges were also recovered from
him apart from one mobile phone. This co-accused disclosed the
name of the petitioner as one of the accused persons who were
consuming the psychotropic substance and making plan to



commit crime.

05. Learned counsel for the petitioner submits that petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. There is no specific allegation against the petitioner Neither the arms nor ammunition nor contraband were recovered from the petitioner and he has nothing to do with the alleged recovery. Charge sheet has been submitted in this case and the petitioner is in custody since 11.10.2022. Learned counsel further submits that co-accused Arjun Sahni has been granted bail vide order dated 05.09.2022 passed by this Court in Criminal Misc. No. 29691 of 2022 and another co-accused namely Bablu Sahni has been granted bail by a Co-ordinate Bench vide order dated 12.10.2022 passed in Criminal Misc. no. 40274 of 2022.

06. Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender and four cases of serious nature are pending against him.

07. Having regard to the submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and he has been named by the co-accused and also



considering the submission of charge sheet along with his period of custody, 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 Additional District & Sessions Judge-1st, Muzaffarpur, Bihar in connection with Ahiyapur PS. Case No. 753 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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.

(Arun Kumar Jha, J)

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