

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16719 of 2023

Arising Out of PS. Case No.-573 Year-2021 Thana- KANTI District- Muzaffarpur

Narad Sahani @ Narad Sahni Son of Tufani Sahani @ Jay Prakash Sahni
Resident of Village - Imadpur (Wrongly Mentioned as Imayatpur in the
F.I.R.), P.S.- Bhagwanpur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 21-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

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

03. In the present case, the petitioner seeks bail in
connection with N.D.P.S. Case no. 128 of 2021 arising out of
Kanti P.S. Case No. 573 of 2021 registered on 08.09.2021 for
the alleged offences under Sections 8/20(b) (ii) B of the NDPS
Act.

04. As per prosecution case, recovery of 7.750 kg
Ganja was made from the bags of the petitioner.

05. Learned counsel for the petitioner submits that the
petitioner has earlier moved for bail before this Court in



Criminal Misc. No. 3178 of 2022, but his prayer for bail was rejected vide order dated 06.06.2022 and the learned trial court was directed to conclude the trial within a period of six months and the petitioner was granted liberty to renew his prayer for bail, if the trial was not concluded within the aforesaid period. Learned counsel further submits that the petitioner has been falsely implicated in this case on the basis of false seizure as the allegedly seized articles are planted one. There is no independent witness to the alleged occurrence and there is non-compliance of Section 57 of the N.D.P.S. Act. The petitioner is in custody since 09.09.2021 and only two witnesses have been examined so far in this case and there is no likelihood for conclusion of the trial in the near future. The petitioner has got no criminal history.

06. Learned APP for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that after passage of more than four weeks time, the prosecution has failed to examine and conclude the prosecution evidence and there appears no likelihood of early conclusion of the trial and further considering the period of custody of the



petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Muzaffarpur in connection with N.D.P.S. Case No. 128 of 2021 arising out of Kanti P.S. Case No. 573 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for 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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