

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20724 of 2022

Arising Out of PS. Case No.-160 Year-2021 Thana- RAJAPAKAR District- Vaishali

RAMBABU SAHNI S/o Bishwanath Sahni @ Vishwnath Sahni Resident of
Village- Bithauli, P.S.- Bhagwanpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Paswan, Advocate
For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection
with Rajapakar PS case no. 160 of 2021 instituted for the
offences punishable under Sections 8, 20(b)(ii)(c), 22, 25, 29 of
N.D.P.S. Act.

The allegation is regarding the police having
intercepted and apprehended a tempo and on search, 25.850 kg
of ganja was recovered and a person namely Vijay Kumar was
apprehended and the said apprehended person had disclosed that
the petitioner is his accomplice.

The learned counsel for the petitioner submits
that the petitioner is innocent, has been falsely implicated in the
present case and he is languishing in custody since 07.02.2022.
The learned counsel for the petitioner has further submitted that



the petitioner is accused in two other cases, however, he is on bail in the said two cases. It is also submitted that neither the petitioner has been arrested from the spot nor the tempo belongs to the petitioner nor any recovery of ganja has been made from the conscious possession of the petitioner, hence, the petitioner has got no complicity in the alleged occurrence, nonetheless, it is submitted that he is ready to abide by such conditions, as may be deemed fit and appropriate to be imposed upon him for the purposes of grant of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, this Court finds that neither the petitioner has been apprehended from the spot nor any narcotic substance has been recovered from the conscious possession of the petitioner, hence, benefit of doubt can be granted to the petitioner for the purposes of grant of bail, thus, I deem it fit and appropriate to admit the petitioner to the privilege of bail, however subject to certain conditions.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount



each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge, Vaishali at Hajipur in connection with Rajapakar PS case no. 160 of 2021.

It is further directed that the petitioner shall mark his presence before the officer-in-charge of the concerned police station at 10 am on every Monday, starting from the day he is released on bail, and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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