

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26847 of 2023

Arising Out of PS. Case No.-56 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

Anil Sahni Son Of Late Shambhu Sahni Resident Of Village - Husepur Naya
Tola, P.S. - Sahebganj, Distt. - Muzaffarpur

... .. Petitioner/S

Versus

1. The Union Of India Through The Secretary, Ministry Of Home Narcotic
Drugs Control Bureau, New Delhi New Delhi
2. The State Of Bihar Through The Department Of Narcotic Drugs Control
Bureau, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Advocate Mrs. Y. Madhavi, Advocate
For the Opposite Party/s	:	Mr. K.N. Singh (Asg)

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Sahebganj P.S. Case No. 56 of 2022 corresponding to N.D.P.S.
Case No. 236 of 2022 dated 15.02.2022, instituted for the
offence punishable under Sections 307, 353/34 of the Indian
Penal Code read with Sections 25(1-b)A, 26, 27 and 35 of the
Arms Act read with Section 8, 20 and 22 of the N.D.P.S. Act.



3. The prosecution case, in short, is that on 15.02.2022, when the informant was on petrolling reached near the Gandak river dam, some persons arrived and informed that Nathuni Sahni is firing to create havoc and upon reaching place of occurrence, informant's team found three miscreants who started firing indiscriminately on seeing them. It is further alleged that the informant's team apprehended one miscreant who disclosed his name as Nathuni Sah and recovered a country made pistol, three live cartridges and 2 kg Charas from his conscious possession.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he is falsely implicated in this case. It is further submitted that the name of the petitioner has come in this case only on basis of confessional statement of Nathuni Sahni who was apprehended by the police on the spot from whose possession 2 kg. Charas and arms were recovered. Learned counsel further submitted that nothing has been recovered from the possession of the petitioner and he has no concern with the seized articles. Lastly, it has been submitted that the petitioner is in custody since 27.09.2022 has one criminal case against him and charge-sheet has been submitted in the case.



5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, N.D.P.S.-cum- Additional District and Sessions Judge-II, Muzaffarpur in Sahebganj P.S. Case No. 56 of 2022 corresponding to N.D.P.S. Case No. 236 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

Sankalp/-

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