

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28583 of 2023

Arising Out of PS. Case No.-169 Year-2020 Thana- PATEPUR District- Vaishali

RAHUL SAHANI @ RAHUL KUMAR, S/o Jawahir Sahani @ Jamahir Sahni @ Jawahar, Sahni Resident of village-Chaknasir, P.S.-Patepur, District-Vaishali at Hajipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Patepur P.S. Case No. 169 of 2020 registered for the offence punishable under Sections 399, 402, 411, 412, 414, 420 and 34 of the Indian Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 8, 20(B)(II), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, N.D.P.S. Act).

The petitioner has renewed his prayer for bail for the 4th time. There are 3 rejections earlier in *Cr. Misc. Nos. 5907 of 2021, 4720 of 2022 and 33319 of 2022* vide orders dated 02.08.2021, 16.02.2022 and 06.07.2022 respectively.

For alleged recovery of commercial quantity of narcotics from the petitioner, he is in custody since 10.08.2020



in connection with this case.

It is submitted by learned counsel for the petitioner that the petitioner by now has remained in jail for nearly 2 and a half years. One co-accused namely Md. Yasin @ Chotu has been allowed bail on 15.03.2023 in *Cr. Misc. No. 61614 of 2022*.

The order, relied on by the petitioner, does not help his case as from reading of the same, no parity can be drawn based on alleged quantity of narcotics recovered, or any consideration with reference to the bar on grant of bail in Section 37 of the N.D.P.S. Act.

This Court would find that the earlier rejection of petitioner's prayer was having regard to statutory bar to grant of bail under Section 37 of the N.D.P.S. Act. The fact of commercial quantity having been recovered from the petitioner is evident from the FIR and seizure list.

In view of statutory bar, this Court is not inclined to take a different view than what had been taken on the earlier occasion on 06.07.2022.

Prayer for bail of the petitioner is rejected.

(Madhuresh Prasad, J)

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