

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23577 of 2023

Arising Out of PS. Case No.-361 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Swroj Sahni @ Saroj Sahni Son Of Ramdew Sahni Resident Of Village-
Bagras, Ps- Bhagwanpur, Distt- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 05-07-2023 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. 20 of 2021 arising out of
Muffasil (Singhaul) P.S. Case No. 361 of 2021 registered on
10.07.2021 for the alleged offences under Sections 8, 20(b)
11(c) 25, 29 of the N.D.P.S. Act.

04. As per prosecution case, the petitioner tried to
escape on seeing the police party and he was apprehended and
from his possession 5.83 kg of *Ganja* was recovered.

05. Learned counsel for the petitioner submits that this



is the second attempt of the petitioner to seek bail from this Court, as earlier the prayer for bail of the petitioner was rejected vide order dated 20.07.2022 passed in Criminal Misc. No. 6446 of 2022. Learned counsel further submits that the prosecution story is not believable, as no sane person would keep the contraband in his possession even after seeing the police party. In fact, no recovery of any incriminating article has been made from the petitioner. There are no independent witnesses of the seizure list and provisions of Section 100 of Cr.P.C. have not been followed. The petitioner is in custody since 11.07.2021. Learned counsel further submits that while rejecting the earlier bail of the petitioner, this Court directed the learned trial court to conclude the trial within a period of six months and granted liberty to the petitioner to renew his prayer for bail, if the trial was not concluded within the stipulated period. Learned counsel further submits that petitioner is a very poor man and he has got no criminal antecedent. The trial is still at the stage of prosecution evidence and the report was called for from the learned trial court regarding present stage of trial.

06. Learned APP for the State opposes the prayer for bail submitting that no fresh ground has been put forward to reconsider the prayer for bail of the petitioner.



07. Perused the record.

08. A report was called for from the learned trial court and the said report dated 20.04.2023 shows that two prosecution witnesses have been examined out of total six witnesses named in the charge-sheet. Last two witnesses were examined on 21.01.2023 and till sending of report no other witness was examined by the prosecution.

09. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and also considering the delay in the conclusion of trial, 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 Additional District and Sessions Judge-I, Begusarai in connection with Muffasil (Singhaul) P.S. Case No. 361 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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