

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27940 of 2023

Arising Out of PS. Case No.-159 Year-2023 Thana- HARSIDHI District- East Champaran

BIRAJ SAHANI @ BRIJ S/O BHENGRAJ SAHANI R/O Village-
Karwaniya Tola, P.S- Manjhagarh, Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 25-05-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned A.P.P
for the State.

The petitioner has preferred this application for grant of regular bail in connection with Harsidhi P.S. Case No. 159 of 2023 dated 04.03.2023 registered for the offences punishable u/s 399, 402, 413, 414 of the Indian Penal Code, 25(1-B) (a), 26, 35 of the Arms Act and section 8 (B) (II) (C) of N.D.P.S. Act.

As per the prosecution case, one country made pistol, one live cartridge and a mobile phone were recovered from the possession of the petitioner and 1.486 Kg. Charas was also recovered from the co-accused person.



Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has sprung up on mere suspicion. The recovery of charas was from the possession of the co-accused person. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 05.03.2023.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the said *charas* is of commercial quantity.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 159 of 2023.

The application stands allowed.

(Chandra Prakash Singh, J)

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