

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28713 of 2023

Arising Out of PS. Case No.-713 Year-2020 Thana- TURKAULIYA District- East
Champaran

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RAJAN SAHANI son of Ramraj Sahani Village- Raghunathpur Ward no-27,
Ps- Turkauliya Raghunathpur OP Dist- E.Champaran Petitioner/s
Versus

The State of Bihar Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate
Mr. Kumar Uday Bhanu Roy, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-07-2023 Heard Mr. Karndeep Kumar, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

The petitioner is in custody in connection with

Turkauliya (Raghunathpur O.P.) P.S. Case No. 481 of 2018

lodged on 29.7.2018.

As per the allegation, on information that the

petitioner who is accused in more than dozen of cases was

hiding in Delhi, the police party went to National Capital and

with the help of Delhi police visited Mahipalpur area where the

petitioner was hiding. As they waited for the petitioner entire

night, in the morning at 5:45 A.M., the police party saw three

persons moving on the road and the police party intercepted

them. As they tried to escape from the place, three were

apprehended and the informant who is Police Officer



immediately identified this petitioner as Rajan Sahni. With his permission, location was searched and besides arms and ammunition around one kg. "Charas" was recovered. The accused was arrested and it was in this circumstance that the present FIR came to be lodged.

Earlier, a report was called for, which has since been received vide letter no. 307 dated 16.5.2023, according to which, the proceeding is presently pending for want of RFSL report from Muzaffarpur relating to second sample.

It is unfortunate that State has not provided report of second sample delaying the trial.

Taking into account the aforesaid facts that the trial has still not started and the petitioner is in custody since 6.10.2020 (as stated in para-11 of the bail application) as also that the total recovery/seizure is just around 1 kg. i.e. the upper limit of commercial quantity, this Court is inclined to extend him the privilege of bail with strict conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act, East Champaran at Motihari, in connection with N.D.P.S. Case No. 50 of 2020, arising out of Turkauliya P.S.



Case No. 713 of 2020 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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