

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52087 of 2022

Arising Out of PS. Case No.-259 Year-2022 Thana- AHYAPUR District- Muzaffarpur

Sudhir Sahni, S/o Rahindra Sahni @ Rajendra Sahni, R/o village- Barhad
Tola, P.S.- Hathauri, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Santosh Kumar, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Ahiyapur P.S. Case No. 259 of 2022 giving rise to N.D.P.S. Case No. 87 of 2022 registered for the offences punishable under Sections 401 of the Indian Penal Code, Sections 25(1-b)A, 26/35 of the Arms Act and Sections 8 (c), 21(b) of the N.D.P.S. Act.

Allegedly, during the course of vehicle checking on a secret information, the petitioner and one another co-accused persons were apprehended. On search, one loaded country made



pistol has been recovered from the petitioner. It is also alleged that other incriminating material, including 25 sachets of smack weighed 12 gms was recovered from co-accused Om Prakash.

Learned counsel appearing on behalf of the petitioner has neither any concern with the co-accused persons nor any incriminating material has been recovered from his person or possession, however, only on suspicion, he was apprehended and thereafter recovery has been shown from his possession. It is further submitted that the petitioner, having fair antecedent, is in custody since 04.04.2022 and, moreover, the investigation of the crime is already complete. He lastly submits that there are other infirmities in the preparation of seizure list apart from the defective investigation.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that a loaded country made pistol has been recovered from the conscious possession of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fair antecedent of the petitioner, apart from the fact that investigation is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees



ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Muzaffarpur in connection with Ahiyapur P.S. Case No. 259 of 2022 giving rise to N.D.P.S. Case No. 87 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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