

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55778 of 2022**

Arising Out of PS. Case No.-672 Year-2020 Thana- SARAIYA District- Muzaffarpur

ARBIND SAHNI S/O - Shivjee Sahni R/V- Sohratha, P.S- Bhagwanpur,  
Distt- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                            |   |                                                                                                                                |
|----------------------------|---|--------------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s       | : | Mr.Arvind Kr. Srivastava<br>Mr. Vijay Kumar Sinha<br>Mr. Satyendra Bhatnagar<br>Mr. Santosh Kumar<br>Mr. Krishna Murari Prasad |
| For the Opposite Party/s : |   | Mr.Md. Mushtaque Alam                                                                                                          |

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

3      31-08-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 399, 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 20, 22 of the NDPS Act.

Earlier, vide order dated 05.01.2022, the bail of the petitioner was rejected by a coordinate Bench of this Court and direction was given to conclude the trial within a period of eight months and liberty was also given to the petitioner that he may renew his prayer for bail, if the trial will not be concluded within stipulated period of time.



In pursuance to the direction of this Court, a report with regard to stage of trial was called for vide order dated 12.05.2023, and the same has been received on 01.06.2023 from the Court of learned 2<sup>nd</sup> Additional Sessions Judge Muzaffarpur, from which, it appears that out of seven charge-sheeted witnesses, none has been examined.

As per prosecution case, the petitioner and co-accused person were apprehended on the spot and from possession of the petitioner one loaded country made pistol, one live cartridge and 600 grams opium were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner has no concern with the alleged recovery rather the recovered contraband 600 grams opium is much less than commercial quantity. The Seizure list has not been prepared as per provision of Section 50 of the N.D.P.S. Act. Similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 03.01.2023 passed in Cr. Misc. No. 61971 of 2021. It is further submitted that the petitioner has got no criminal antecedent. Moreover, he has been languishing in judicial custody since 10.10.2020.



Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sarai P.S. Case No. 672 of 2020 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned concerned Sessions Judge-cum-Special Judge NDPS, Muzaffarpur.

**(Sunil Kumar Panwar, J)**

Manishkumar/-

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