

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56311 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

NATHUNI SAHANI Son of Late Chhathu Sahani R/V- Hussepur Dobandha,
P.S- Sahebganj, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Ranjan, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 10-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Sahebganj PS case no. 56 of 2022 instituted for the offences punishable under Sections 307, 353/34 of the Indian Penal Code, Sections 25(1-b)a, 26, 27, 35 of Arms Act and Sections 8, 20, 22 of N.D.P.S. Act.

The case of the prosecution in brief is that on the alleged date and time of occurrence, while the informant was on patrolling duty along with police force, he was informed that notorious criminal i.e. the petitioner herein is firing on the farmers in order to create a havoc in the area, whereafter the informant along with his police personnel had



arrived there leading to the accused persons including the petitioner herein engaging in indiscriminate firing, nonetheless, the petitioner was arrested by the police and from his possession, one countrymade pistol, three live cartridges and 2 kg. Charas was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 16.02.2022. The learned counsel for the petitioner has further submitted that only since the petitioner is an accused in 19 other criminal cases, he has been falsely implicated in the present case.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that there are ample materials on record to prima facie suggest the complicity of the petitioner in the alleged crime, apart from the fact that the quantity of charas recovered from the petitioner is much more than the commercial quantity specified in the Schedule



notified under the provisions of the N.D.P.S. Act, 1985 i.e. 1 kg. apart from the fact that the petitioner appears to be a veteran criminal, inasmuch as he is an accused in several criminal cases, thus, I am not inclined to grant bail to the petitioner, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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