

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68688 of 2023

Arising Out of PS. Case No.-99 Year-2021 Thana- LAUKAHA District- Madhubani

DHYANI SAH S/O LATE BADRI SAH VILLAGE LAUKAHA WARD NO.
13, PS- LAUKAHA, DIST- MADHUBANI

... .. Petitioner/s

Versus

1. The State of Bihar
2. UNION OF INDIA THROUGH BUREAU OF NARCOTICS, PATNA,
BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 10-11-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Laukaha P.S. Case No. 99 of 2021, dated 27.03.2021 registered
for the offence punishable under Section 20(b)(ii)(c) of the
NDPS Act.

3. This is second attempt of the petitioner to get the
relief of regular bail after his earlier prayer for the same relief
was rejected by this Bench vide order dated 16.02.2023 passed
in Cr. Misc. No. 46268 of 2022 preferred by this petitioner.

4. The main submissions advanced by learned
counsel for the petitioner are that the petitioner has got no



criminal antecedent and his trial has started and three prosecution witnesses have been examined whose depositions' copy have been filed before this Bench by way of supplementary affidavit and P.W.1, who is the informant and seized the alleged contraband, deposed that the alleged contraband was recovered from bushes situated 15 to 20 meters away from the house of this petitioner and there are several houses surrounding the place of recovery and these facts stated by P.W.1 are sufficient to show that the alleged contraband was not recovered from the conscious possession of this petitioner rather the same was recovered from the bushes situated 15 to 20 meters away from the house of this petitioner and the said place is not stated to be in the possession of the petitioner and moreover, the alleged contraband concerned to this petitioner does not fall in the category of commercial quantity and two co-accused persons Arbind Sah @ Arvind Kumar Shahu and Gagan Das, from whose possession 10 kg of Ganja is stated to have been recovered, are enjoying the privilege of bail granted by co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 44355 of 2021 and the petitioner's case stands on better footing from them.

5. Learned APP appearing for the State has opposed



the prayer for bail of the petitioner.

6. Considering the above submissions and mainly taking into account the evidence of P.W.1 as discussed above coupled with the petitioner's fair and clean antecedent and his custody period and the stage of his trial, this Court is now inclined to accept the petitioner's prayer for bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Laukaha P.S. Case No. 99 of 2021.

(Shailendra Singh, J)

Maynaz/-

U		T	
---	--	---	--

