

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65079 of 2023

Arising Out of PS. Case No.-143 Year-2020 Thana- BRAHMPURA District- Muzaffarpur

Pankaj Kumar @ Pankaj Sahni S/O Umashankar Sahni Resident Of
Madhuban Kanti, P.S.-Minapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 13-10-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks.

2. Heard learned counsel for the petitioner and learned
A.P.P for the State.

3. The petitioner has preferred this application for
grant of regular bail in N.D.P.S. Case No. 232 of 2022 arising
out of Brahmpura P.S. Case No. 143 of 2020 dated 17.06.2023
registered for the offences punishable u/ss 420, 379, 467, 468,
471, 401, 402 and 120B of the Indian Penal Code, sections
25(1-b)a of the Arms Act and sections 20 and 22 of the N.D.P.S.
Act.

4. As per the prosecution case, the informant got



secret information regarding presence of some criminals near MIT SBI ATM. Thereafter, the informant along with other police officials reached there then on seeing the police vehicle some persons started fleeing away but the police party apprehended accused persons and on search 500 grams of charas, firearms, live cartridge and other incriminating article were recovered. The said apprehended persons disclosed the name of the petitioner.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The name of the petitioner has sprung up in the confessional statement of the co-accused Pappu Kumar@ Pappu Sahni. No incriminating material has been recovered from the conscious possession of the petitioner. The seized contraband is less than commercial quantity. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 15.02.2022 passed in Cr. Misc. No. 41831 of 2021. The petitioner has four criminal cases and he is on bail in all the aforesaid criminal cases as stated in para 3 of the bail petition. The petitioner is in custody since 29.09.2022.

6. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Muzaffarpur in N.D.P.S. Case No. 232 of 2022 arising out of Brahmpura P.S. Case No. 143 of 2020, with a condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

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