

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66742 of 2022

Arising Out of PS. Case No.-133 Year-2016 Thana- MOTIPUR District- Muzaffarpur

Garibnath Sahni @ Munna Sahni S/O Late Vishwanath Sahni R/v- Kanti
Gosai Tola, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K. Anjana, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Sanjay Kumar @ S.K. Anjana, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with N.D.P.S. Case No. 1008 of 2016 arising out of Motipur P.S. case No.133 of 2016, registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code, Section 25(1-b)a/26(ii)/35 of the Arms Act and Section 20, 22 of the N.D.P.S. Act.

The police on secret information with regard to the assemblage of some miscreants conducted raid and apprehended four accused persons from whose possession pistol, cartridges,



mobiles and some sedatives' medicine have been recovered. The apprehended persons disclosed the name of the petitioner as their associates.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and save and except the disclosure made by the apprehended persons there is no material suggesting the complicity of the petitioner in the present crime. He further submits that the persons on whose confession the name of the petitioner has been transpired, have been allowed privilege of bail by different learned Co-ordinate Bench of this Court, the copy of which has annexed as Annexure-2 series of the bail application. He next submits that the petitioner has been remanded in this case on 31.05.2022 from Kanti P.S. Case No. 407 of 2018 and since then he is in custody. He also submits that beside the present one, name of the petitioner has been implicated in two other criminal cases as has been mentioned in paragraph-3 of the bail petition, however, he is on bail in both the cases.

On the other hand learned APP for the State vehemently opposes the bail application submits that the



petitioner is an active member of a gang, who were apprehended by the police and from their possession various incriminating materials including sedative medicine have been recovered.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. Further, the persons on whose disclosure name of the petitioner has been transpired, they have been allowed bail by different learned Co-ordinate Bench of this Court, 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 Additional Sessions Judge-II, Muzaffarpur in connection with N.D.P.S. Case No. 1008 of 2016 arising out of Motipur P.S. case No.133 of 2016, 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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