

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69957 of 2023

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

NATHUNI SAHANI SON OF LATE CHHATHU SAHANI RESIDENT OF
VILLAGE - HUSSEPUR DOBANDHA, P.S. - SAHEBGANJ, DISTRICT -
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.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-12-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

2. The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with N.D.P.S. Case No. 76 of 2022, arising out of Sahebganj P.S. Case No. 56 of 2022, registered for the offences punishable under Sections 307, 353/34 of the Indian Penal Code, Sections 25(1-b)a, 26, 27 and 35 of the Arms Act and Sections 8, 20 and 22 of the N.D.P.S. Act, inasmuch as the prayer of the petitioner for grant of regular bail was rejected earlier by this Court, vide order dated 10.01.2023, passed in Criminal Miscellaneous No. 56311 of 2022.



3. 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 country made pistol, three live cartridges and 2 kg. Charas was recovered.

4. The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 16.02.2022, hence, a sympathetic view be taken and the petitioner be granted the privilege of bail.

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

6. 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 firstly the quantity of Charas recovered from the petitioner is much more than the commercial quantity defined in the Schedule notified under the provisions of the N.D.P.S. Act, 1985 and, moreover, there is no change in circumstance, so as to warrant re-consideration of the prayer of the petitioner for grant of regular bail, apart from the fact that the petitioner is an accused in 19 other criminal cases, hence I do not find any merit in the present petition, thus the same stands dismissed.

(Mohit Kumar Shah, J)

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