

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69982 of 2023

Arising Out of PS. Case No.-246 Year-2023 Thana- Excise P.S. District- Muzaffarpur

SHYAMBABU SAHNI S/o- RAM KISHORE SAHNI Village- Brindawan
Mutnaje Ps- Tariyani Dist- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate.

For the Opposite Party/s: Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Excise P.S. Case No. 246 of 2023 dated 2.2.2023 registered for the offence punishable under Sections 8/20(b)(ii)(b) of NDPS Act.

3. As per prosecution case, police received secret information about smuggling of *Ganja*, the vehicles were checked and a three wheeler was intercepted in which the petitioner was sitting. From beneath the seat of the petitioner, recovery of about 2 kg. of *Ganja* was made and the petitioner admitted that he used to sell *Ganja* for earning his livelihood.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. No recovery has been made from conscious possession of the petitioner. It is evident from the FIR that the recovery has been made beneath the seat of the three wheeler. The petitioner was merely a passenger on that three wheeler and he did not confess anything. The petitioner is in custody since 4th of February, 2023 and he has got clean antecedent. Charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the quantity of *Ganja* recovered which was found from a public vehicle and, further, considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Muzaffarpur, in connection with Excise P.S. Case No. 246 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.



(ii) *The petitioner will remain present on each and every date fixed by court below.*

(iii) *In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.*

(Arun Kumar Jha, J)

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