

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72948 of 2022

Arising Out of PS. Case No.-88 Year-2020 Thana- THAWE District- Gopalganj

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INDAL SAHANI Son of Gautam Sahni @ Goutam Sahani R/v- Patahara,
P.S.- Yadopur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with Tr.
No. 11 of 2020 (Thawe P.S. Case No. 88 of 2020) registered for
the offences under sections 414 and 420 of the Indian Penal
Code and sections 8, 20(B)(ii) (B) of the N.D.P.S. Act lodged on
05.06.2020 by the informant, Vishal Anand.

As per the prosecution case, 11 Kg. of Ganja was
seized from a motorcycle, which was parked in front of the
house of the petitioner and this petitioner was apprehended on
the spot. Accordingly, the FIR.



It has been submitted by the learned counsel for the petitioner that his name has come in the confessional statement of Dilip Sahni who was apprehended by the police and nothing was recovered/seized from him. It is his further submission that the said Dilip Sahni has already been granted relief by a co-ordinate Bench of this Court vide Cr. Misc. No. 1098 of 2021. It is his further submission that without accepting the allegation and/or outcome of the present case, he would like to contribute Rs. 10,000/- to the Patna High Court Legal Services Committee.

Learned APP for the State, on the other hand, opposes the prayer for bail but concedes that the person, Dilip Sahni from whom recovery was made is the main culprit, has been released on bail.

Considering the fact that the Dilip Sahni has been released on bail, as stated above, his name has come in the confessional statement, it is not the case that anything has been recovered from him, is in custody since 25.07.2022 and do not have criminal antecedent, this Court is inclined to extend him privilege of bail subject to payment of Rs. 10,000/- to the Patna High Court Legal Services Committee and receipt thereof to be submitted before the concerned Court.

It is further made clear that if it comes that he has



criminal antecedent and a false statement has been made in paragraph-3, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned A.D.J.-I cum Spl. Judge N.D.P.S., Gopalganj in connection with Tr. No. 11 of 2020 (Thave P.S. Case No. 88 of 2020), subject to the following conditions-:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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