

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5411 of 2024

Arising Out of PS. Case No.-192 Year-2023 Thana- PURAINI District- Madhepura

Jay jay sahani S/O Paro Sahni R/O Village- Puraini, Ward No. 5, P.S- Puraini,
distt.- MADHEPURA.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Puraini P.S. Case No. 192/2023 lodged on 24.08.2023 under
Sections 25(1-B)a, 25(a), 26, 35 of the Arms Act and Section 8
(C), 21(A) of the NDPS Act.

3. As per the prosecution case, the FIR has been
lodged against three named accused persons including the
present petitioner against whom there is an allegation of
recovery of arms as well as NDPS material about 52 miligram
smack.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Neither
any arms nor any NDPS material have been recovered from the



conscious physical possession of the petitioner. In fact, the same has been recovered from a Bansbitti (bamboo hut) and the petitioner has been made accused in the present case at the instance of the police. The petitioner is residing at Patna and is running an Auto for his livelihood but the police has apprehended him from Patna and made him accused. Total 12 criminal cases are pending against the petitioner including the present one, however, in some of the cases, he is on bail and in some of the cases, he is persuading for bail. The petitioner is in custody since 25.08.2023.

5. Learned counsel for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean, hence, at the time of granting bail to the petitioner, this aspect must be taken into consideration.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum Special Judge 1st Madhepura, in connection with Puraini P.S. Case No. 192/2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.



7. The learned court below shall release the petitioner on bail only after framing of charge, if not framed as well as on being satisfied with the affidavit to be filed by the petitioner before the trial Court to the effect that he/her is not absconding in any of the cases as mentioned in paragraph no.3 of the petition as under :-

1. Puraini P.S. Case No. 115 of 2021
2. Puraini P.S. Case No. 114/2021
3. Puraini P.S. Case No. 243 of 2022
4. Bihariganj P.S. Case No. 178/2021
5. Puraini P.S. Case No. 129/2021
6. Puraini P.S. Case No. 182/2022
7. Puraini P.S. Case No. 234/2022
8. Puraini P.S. Case No. 245/2022
9. Puraini P.S. Case No. 142/2023
10. Chausa P.S. Case No. 211/2023
11. Udakishunganj P.S. Case No. 254/2023.

(Dr. Anshuman, J)

Ashwini/-

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