

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9262 of 2024

Arising Out of PS. Case No.-1041 Year-2022 Thana- SIKARPUR District- West Champaran

Pintu Sahni, aged about 45 years, Male, S/O Bisun Sahani, R/O Bikrampur,
P.S- Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-02-2024 Heard Mr. Bimlesh Kumar Pandey, learned counsel

appearing on behalf of the petitioner and Mr. Narendra Kumar

Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Shikarpur P.S. Case No. 1041 of 2022 registered for the
offence punishable under Section 414 of the Indian Penal Code
and Sections 8, 20(B), (II)(C), 22, 23, 24, 25, 26 and 27 of the
N.D.P.S. Act.

3. As per the allegation made in the FIR, altogether
31.938 Kg of *Ganja* (Marijuana) was recovered from a white
colour Toyota Corrola vehicle bearing Registration No.
DL4CAE 7283.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is quite innocent and has



falsely been implicated in the present case. Petitioner was not present at the place of occurrence and his name has surfaced on the basis of confessional statement made by co-accused Puran Sahni, who was apprehended on the spot, in police custody, which has no evidentiary value in the eye of law. He further submitted that the car from which the alleged *Ganja* (Marijuana) was recovered belongs to Puran Sahni. Similarly situated co-accused person, namely, Anirudh Sahani, has already been released on pre-arrest bail by a co-ordinate Bench of this Court vide order dated 02.08.2023 passed in Criminal Miscellaneous No. 40066 of 2023. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, as well as, the fact that petitioner was not present at the place of occurrence and his name has surfaced on the basis of confessional statement made by co-accused Puran Sahni, who was apprehended on the spot, in police custody, which has no evidentiary value in the eye of law. Vehicle from which the alleged *Ganja* (Marijuana) was recovered from co-accused



Puran Sahni. Similarly situated co-accused person, namely, Anirudh Sahani, has already been released on pre-arrest bail by a co-ordinate Bench of this Court vide order dated 02.08.2023 passed in Criminal Miscellaneous No. 40066 of 2023. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bettiah, West Champaran, in connection with Shikarpur P.S. Case No. 1041 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. **The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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