

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19325 of 2024

Arising Out of PS. Case No.-131 Year-2021 Thana- KANTI District- Muzaffarpur

Kailash Sahani @ Kashia @ Kasihi, S/O Late Lakhan Sahani, R/O Village-
Kothia, P.S- Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 08-07-2024 Heard Mr. Manoj Kumar, learned counsel for the

petitioner and Mr. Ganesh Prasad Singh, learned APP for the

State.

2. Petitioner seeks regular bail in connection with

Kanti P.S. Case No. 131 of 2021 dated 22.02.2021 registered for

the offences punishable under Sections 399, 400 and 402 of the

Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms

Act and Sections 20 and 22 of the NDPS Act.

3. Learned counsel for the petitioner submits that the

petitioner earlier approached this Court for the relief of regular

bail by filing Cr. Misc. No. 13544/2022 which was rejected with

giving him a liberty to renew his bail prayer after examination

of witnesses of seizure and thereafter, about two years have



passed but till date, no seizure list witnesses has been produced and examined despite the charges having been framed upon the petitioner on 12.02.2024. Learned counsel further submits that most of the material witnesses including the witnesses of seizure list are official persons so the release of the petitioner will not prejudice the prosecution witnesses and moreover, the petitioner has spent three years and four months in jail, though there are criminal antecedents of nine cases against him but he has got bail in all the said cases and the instant matter relates to the recovery of intermediate quantity of the narcotic material.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Heard both the sides and perused the materials available before this Court as well as the report of the trial court. Though the instant matter relates to serious offences and the petitioner has got criminal antecedent of several cases but the prosecution is very careless in producing the witnesses and after lapse of several months, no prosecution witness has been produced despite sufficient time having been granted to the prosecution while rejecting the petitioner's earlier bail prayer and the petitioner is on bail in all of his criminal antecedent's cases and as per submission made by petitioner's counsel, all the



co-accused persons are on bail and most of the prosecution witnesses who are to be examined are official persons, in my opinion, in the said circumstances, now a lenient approach can be taken in respect of the petitioner’s bail prayer. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Kanti P.S. Case No. 131 of 2021.

(Shailendra Singh, J)

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