

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64974 of 2024

Arising Out of PS. Case No.-33 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Rahul Sahani @ Sayam Babu Sahani @ Rahul Kumar Sahani Son of Late
Kamal Sahani Resident of Village - Vishanpur Dakashini Dekaha, P.S. - Pipra,
District - East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with NDPS Case No. 46 of 2021 arising out of Muffasil P.S. Case No. 33 of 2021, registered for the alleged offences under Sections 414, 420, 467, 468 and 34 of the Indian Penal Code, Sections 25(1-b)a, 26, 35 of the Arms Act and Sections 20, 23, 25 of the Narcotic Drugs and Psychotropic Substances Act.

03. As per prosecution case, during checking of vehicles, three persons on a motorcycle tried to escape but they were chased and apprehended. Recovery of 01 kg *chara*, 600 grams of *charas* and one country made *katta* with one live



cartridge respectively were made from the co-accused persons, who named this petitioner as the kingpin who has been running a gang and was involved in smuggling contraband.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to his criminal antecedent as he has been made accused in altogether 08 cases. From the FIR, it is clear that nothing incriminating has been recovered from the person or possession of this petitioner and he has been made accused merely on suspicion. The petitioner was named in this case in the confessional statement made by co-accused Santosh Sahani and apart from that there is no material to show the involvement of the petitioner. The petitioner has no concern with the seized narcotic substance. Moreover, there is doubt over the nature of the substance seized by the police as the Central Forensic Science Laboratory reported that the seized substance was not the narcotic drug or psychotropic substance. Learned counsel further submits that co-accused Saheb Sahani was apprehended from the spot and has been granted bail by this Court vide order dated 05.07.2023 passed in Criminal Misc. No. 31989 of 2023. Another co-accused Santosh Sahani @ Santosh Kumar has been granted bail by a Co-ordinate Bench vide order dated



12.10.2022 passed in Criminal Misc. no. 42682 of 2022. The case of the petitioner stands on much better footing. The petitioner is in custody since 14.06.2021. The petitioner is having criminal antecedent of altogether 08 cases but he is on bail in all the cases.

05. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is a habitual offender and is accused in a number of cases registered under Sections 384, 385, 386, 387 and 120B of IPC apart from a case under Arms Act as well as under Section 20(b)(i)(c) of NDPS Act.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and further considering the lack of substantive material to show the involvement of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Court No. 11, NDPS, Motihari, East Champaran in connection with N.D.P.S. Case No. 46 of 2021 arising out of Muffasil P.S. Case No. 33 of 2021, subject to the conditions mentioned in Section 437(3) of the



Cr.P.C. and 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 the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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