

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74497 of 2024

Arising Out of PS. Case No.-854 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

Arun Kumar @ Arun Sahni S/o Brahamdeo Sahani R/o Village- Vijay
Chhapra, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
Mr. Rajiv Ranjan, Adv.
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-10-2024 Heard Mr. Rajiv Ranjan, learned counsel for the
petitioner and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner is in custody in connection with
Ahiyapur P.S. Case No. 854 of 2024 for the offence punishable
under sections 8(c) and 21(b) of the Narcotic Drugs and
Psychotropic Substances Act of the Indian Penal Code lodged
on 26.06.2024 by the informant, Pinku Kumar.

3. As per the prosecution story, the informant alleged
that secret information was received that four persons are sitting
in the closed room of Ram Lal Sahni. On arriving there, the
accused persons were present which include the petitioner
herein and there is recovery/seizure of 31.26 gram as also 6.25
grams, totaling 37.51 grams smack. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that only because of criminal antecedent, he has been implicated. The raid took place in the house of Ram Lal Sahni, he being present at the wrong place, implicated. The last submission is that even assuming recovery/seizure of 37.51 gram, the same is below the commercial quantity of 250 grams, he is in custody since 27.06.2024 (para 16 of the petition).

5. Learned APP opposes the prayer for bail.

6. Taking into account the submissions put forward by the parties as also the fact that recovery/seizure is below the commercial quantity, the same has been made from the house of Ram Lal Sahni, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Session Judge cum Special Judge, NDPS Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 854 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) 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 the bail bonds;

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

(Rajiv Roy, J)

Vijay Singh/-

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