

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25736 of 2025

Arising Out of PS. Case No.-20 Year-2021 Thana- SARAIYA District- Muzaffarpur

Abhinandan Sahani @ Kallu @ Kalu S/o Shambhu Sahni R/o village-
Chakbajo, PS- Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2025 Heard Mr. Sunil Kumar Pandey, learned counsel for

the petitioner and Mr. Navin Kumar Pandey, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
09.01.2021, in connection with N.D.P.S. Case No. 02 of 2021
arising out of Saraiya (Jaitpur O.P.) P.S. Case No. 20 of 2021,
F.I.R. dated 07.01.2021 registered for the offences punishable
under Sections 414/34 of the Indian Penal Code, Sections
25(1-b)a, 25, 35 of the Arms Act and Sections 20, 22 of the
N.D.P.S. Act.

3. Learned counsel for the petitioner submits that
earlier the prayer for bail of the petitioner was twice rejected
vide order dated 16.05.2022 and order dated 05.01.2024 in Cr.
Misc. No. 33646 of 2021 and Cr. Misc. No. 76728 of 2023



respectively.

4. Learned counsel for the petitioner submits that although the petitioner is in custody since 09.01.2021 and the trial is not in progress and apart from that other co-accused persons have been granted bail by this Court. He further submits that it appears from the F.I.R. itself that one countrymade loaded pistol has been recovered from the possession of the petitioner and apart from that the *charas* has been recovered from the possession of co-accused persons namely Sonu Kumar and Sujeet Kumar respectively. Learned counsel for the petitioner has referred the order dated 21.02.2025 passed in Cr. Misc. No. 4262 of 2025 by which this Court has been granted regular bail to co-accused Sonu Kumar @ Sonu Mahto and he has also referred the paragraph no. 6 of the aforesaid order which suggests that as per report of the learned Trial court that charge has been framed against the petitioner and other co-accused person on 17.11.2021 but till now no prosecution witness has been examined as yet.

5. Learned counsel for the petitioner further submits that in view of the report of the learned Trial court as mentioned in the order dated 21.02.2025 passed in Cr. Misc. No. 4262 of 2025 that there is no chance of early conclusion of the trial in



near future and the petitioner is in custody since 09.01.2021 and other similarly situated co-accused person has been granted bail by this Court.

6. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matters.

7. Considering the aforesaid facts and circumstances of the case as well as period of custody and also similarly situated co-accused person has been granted bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge NDPS-1, Muzaffarpur in connection with N.D.P.S. Case No. 02 of 2021 arising out of Saraiya (Jaitpur O.P.) P.S. Case No. 20 of 2021, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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