

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50695 of 2025

Arising Out of PS. Case No.-294 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Nishant Kumar Sahni @ Guddu Sahni Son of Late Siyaram Sahni @ Siya
Ram Sahni Resident of village - Gunai Basahi, P.S.- Tajpur, District -
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Khushi Awadh, Adv.

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 18-08-2025 Heard Mr. Khushi Awadh, learned counsel for the

petitioner and Mr. Anand Kishore Choudhary, learned APP for

the State.

2. Petitioner seeks regular bail in connection with

Samastipur Muffasil P.S. Case No. 294/ 2023 dated 09.06.2023

registered for the offence(s) punishable under sections 399, 402,

411 and 414 of the IPC, sections 8 and 20(b)(ii)(B) of the NDPS

Act and sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. As per the prosecution's story, during the course of

vehicle checking, the police noticed two motorcycles coming

from Musrighrari at a high speed and when the police attempted

to intercept them, the accused persons tried to escape but some

of them were apprehended including the petitioner. On search, from



the possession of the petitioner one country made pistol was recovered and 12.5 Kg. of Ganja and other firearms were recovered from the possession of the accused persons.

4. The main submissions advanced by the petitioner's counsel are that the petitioner has been languishing in jail since 10.06.2023 and his trial has not started till date and in this regard, the trial court's order is relevant, several accused persons, namely, Md. Taiyab, Suraj Kumar Das, Mohan Mistri and Virchandra Kumar @ Langra from whose possession narcotic material and firearms were recovered have been granted bail by different co-ordinate benches of this court vide orders passed in Cr. Misc. Nos. 73299 of 2023, 18815 of 2024, 8225 of 2024 and 38718 of 2025, respectively, despite the fact that some of them have criminal antecedents. It is further submitted that as per the allegation, only one country-made loaded pistol is said to have been recovered from the possession of the petitioner which is false, however, no narcotic material has been recovered from the possession of the petitioner and the allegation against him mainly relates to the recovery of firearm.

5. On the other hand, the learned APP appearing for the State has opposed the bail prayer of the petitioner and submits that against the petitioner there are criminal antecedents



of 16 cases and the petitioner and other accused persons were apprehended with firearms and 12.5 Kg. of Ganja, which comes under the purview of intermediate quantity.

6. Heard both the sides, perused the FIR and trial court's order. From the possession of the petitioner, one country made loaded pistol was recovered and from the possession of other accused persons, narcotic material and firearms were recovered, though, some of the co-accused persons have been granted bail but considering the petitioner's criminal history, as pointed out by the learned APP, this court finds the petitioner's prayer not fit to be accepted and his case stands on a different footing from that of co-accused persons who have been granted the privilege of bail. Accordingly, the prayer stands rejected.

7. The trial court is directed to expedite the trial of the petitioner.

(Shailendra Singh, J)

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