

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80377 of 2024

Arising Out of PS. Case No.-187 Year-2024 Thana- SAHEBPUR KAMAL District-
Begusarai

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Kishan Sahni Son of Late Ramchandra Sahni R/O Vill.- Rajaura, P.S.- S.
Kamal, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 16-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sahebpur Kamal P.S. Case No. 187 of 2024, G.R. No. 31 of
2024 instituted for the offences under Sections 25(1-b)a, 26, 35
of the Arms Act and 30(a) of Bihar Prohibition and Excise Act
as well as 20, 22 of the N.D.P.S. Act.

3. There is a recovery of 42.326 Kg of *ganja*, 65.880
litres of liquor, 14 live cartridges, one country-made pistol from
the house of the co-accused Subhas Sahani.

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has falsely been implicated in the



present case. The petitioner is in custody since 02.08.2024 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the house of co-accused Subhash Sahani. Learned counsel further submitted that petitioner was not apprehended on the spot and, in fact, petitioner is nowhere concerned with the alleged offence. There is no compliance of Section 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP submits that the recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act. Learned APP further submitted that police after investigation submitted charge-sheet against the petitioner.

6. Considering the aforesaid facts and circumstances of the case, charge-sheet also being submitted against the petitioner and the recovery of contraband being beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.



7. The prayer for grant of bail to the petitioner is
rejected.

(Rudra Prakash Mishra, J)

Alok Verma/-

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