

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83159 of 2024

Arising Out of PS. Case No.-199 Year-2024 Thana- JOGBANI District- Araria

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Birju Sahani @ Virju Sahani Son of Satyanarayan Sahani @ Satyanarayan
Resident of village -Tikuliya Basti, ward No.- 03, Police Station- Jogbani,
District-Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 18-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 21 and 22 of Narcotics Drugs and Psychotropic Substance Act.

3. The case of the prosecution is that the informant was on patrolling duty and was checking the vehicle. At 11:45 A.M. two persons riding on a one red colour ‘Apachi’ motorcycle kept a shoulder bag was coming. After seeing the police, the bikers tried to escape from there and in this endeavor, one of them riding on the bike fell down from the bike with the bag and other managed to to flee away. The apprehended person identified as the petitioner herein. It is further alleged that on



being search of shoulder bag, Diazepam injection 980 pieces, Lupijesic injection 760 pieces, Avail injection 970 pieces, Nitravet tablets 1200 pieces and 220 injections without any label and name were recovered. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. Nothing has been recovered from the conscious possession of the petitioner. Regarding recovery, it has been submitted by the learned counsel for the petitioner that Diazepam injection which was 980 in numbers, totalling 1.96 grams is a small quantity, Lupijesic injections which was 760 in numbers, totalling 1.52 grams which is more than small quantity but much less than commercial quantity and so far as Nitravet tablets which was 1200 in numbers, totalling 12 grams is concerned, is a small quantity. It is further submitted that in this case witnesses of seizure list are not independent witness rather they are official witness. Moreover, the petitioner is languishing in judicial custody since 28.09.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail that the petitioner has one criminal antecedent.

6. Considering the aforesaid facts and circumstances



of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Jogbani P.S. Case No. 199 of 2024 with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Araria.

(Ashok Kumar Pandey, J)

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