

Dated:-04-08-2021

Court of Special Judge (NDPS)-cum-Addl. Sessions Judge-VII Darbhanga**Court of Special Judge (NDPS)-cum-Addl. Sessions Judge-VII Darbhanga****DARBHANGA (BIHAR)****G.O. No. 24 of 2021****(Arising out of Town PS case no. 136 of 2021)****IN THE MATTER OF****State of Bihar-----Prosecution****Versus****Krishna Sahni S/o Late Chandar Sahni-----Accused/petitioner****For the Petitioner :-Shri Manoj Kumar Singh, Advocate****For the Opp. Party :- Shri Chamak Lal Pandit Spl. P.P.****ORDER**

04-08-2021:- A bail application dated 13-07-2021 filed u/s 439 CRPC on behalf of the accused-petitioner namely **Krishna Sahni**, who has been in judicial custody since 26-05-2021 in connection with Town PS case no. 136 of 2021, was moved through virtual mode. The said case appears to have been registered with respect to the offences u/s section 25(1-b) a, 26, 35 of the Arms Act and u/s 20, 22 of NDPS Act 1985 against accused-petitioner. I have heard the learned Counsel for the petitioner as well as the learned special public prosecutor during virtual Court proceeding and perused the record.

The SHO of Town PS along with armed police party, on 24-05-2021, proceeded for arresting the accused persons of Town PS case no. 135 of 2021 as well as Town PS case no. 132 of 2021. The police got information that the accused persons have concealed themselves in the Orchard of Lakhan Sah situated in Shivjee Nagar. On seeing the police, the accused persons tried to escape away. However, they were apprehended by the police after chase. They disclosed their names as Sajjan Kumar, Badal Kumar, Akshay Kumar and Krishna Sahni (petitioner). After conducting search operation, the police recovered firearms, cartridges, as well as psychotropic substances from the possession of the above named accused persons. They were apprehended by the police and the incriminating articles, recovered from their possession were seized. It has been alleged that 3 live cartridges were recovered from the possession of the petitioner, besides psychotropic substances namely Spasmo Proxyvon plus and Alprazolam Tablets. The accused persons did not produce any license in respect of the articles seized from their possession.

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The learned Counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and has falsely been implicated in this case. The entire allegations levelled against the petitioner are false, baseless and concocted. The petitioner is not an accused in Town PS case number 135 of 2021 and 132 of 2021. No case under the provisions of NDPS Act is made out against the petitioner. No incriminating articles were recovered from the possession of the petitioner.

The learned special public prosecutor has vehemently opposed the bail plea of the petitioner. He submitted that the allegations levelled against the petitioner are of serious nature and he has got criminal antecedents also.

I have heard both the parties and perused the record. On perusal of the record it will appear that on the basis of a typed self statement of the informant, the present case was registered u/s 25(1-b) a, 26, 35 of the Arms Act and u/s 20, 22 of NDPS Act 1985 against the petitioner and others. It will transpire on perusal of the record that the petitioner and the co-accused persons were apprehended by the police on the spot and on search, firearms, cartridges and psychotropic substances were allegedly recovered from their possession. It has been alleged that 3 live cartridges, 08 Spasmo Proxyvon plus Tablets and 29 Alprazolam Tablets were recovered from the possession of the petitioner. He failed to produce any license in the respect of the seized articles. It will further transpire from the record that all the accused persons including this petitioner have got criminal antecedents. They have been made an accused in several cases. The police, on conclusion of investigation found the involvement of this petitioner in the alleged occurrence and as such submitted charge sheet against the petitioner and other co-accused persons.

In the aforesaid facts and circumstances, considering the nature of allegations, as well as, the criminal antecedents of the petitioner, this Court is not inclined to enlarge the petitioner on bail. Hence the regular bail petition of the above named petitioner filed on 13-07-2021 stands rejected.

(Dictated)

Special Judge (NDPS)-cum-
Addl. Sessions Judge-VII
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