

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39981 of 2016

Arising Out of PS.Case No. -235 Year- 2013 Thana -BAKHTIYARPUR District- PATNA

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Birendra Yadav @ Bijali Yadav son of late Anup Yadav Resident of Teka
Bigha P.S. Bakhtiyarpur District Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Smt. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 30-11-2016 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with
Bakhtiyarpur P. S. Case No. 235 of 2013 registered under
Sections 25(1-B)(a) and 26 of the Arms Act and 20 and 22 of
the NDPS Act.

The prayer for bail of the petitioner was earlier
rejected by this Court vide order dated 15.12.2015 passed in Cr.
Misc. No. 56093 of 2015.

According to the prosecution case, on a raid made
by the police party pursuant to receipt of a secret information,
two countrymade loaded pistols, six cartridges, six empty

cartridges and one kg. *ganja* were recovered from the house of the petitioner. The petitioner was apprehended and on query made from him, he could not give any explanation for the alleged possession of incriminating articles.

It would also appear from the record that at least, two more cases under the Arms Act have been instituted against the petitioner prior to the institution of the case in hand.

It has been submitted by the learned counsel for the petitioner that by now, the petitioner has remained in custody for about 19 months and there is no likelihood of conclusion of the trial in near future.

A report was summoned from the trial court by this Court vide order dated 19.10.2016 regarding the present status of the trial of the case. Trial Court has reported that charges were framed against the petitioner on 16.04.2016 and despite all efforts being taken by the court, no witness has turned up till date.

Considering the nature of the offence, the prayer for bail of the petitioner is rejected for the present.

The trial court is directed to expedite the trial. The prosecution is also directed to produce and examine its witnesses within six months from today failing which the

petitioner would be at liberty to renew his prayer for bail before the court below itself.

(Ashwani Kumar Singh, J.)

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