

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28669 of 2016

Arising Out of PS.Case No. -8 Year- 2015 Thana -PARSA District- SARAN

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Sonu Kumar son of Shiv Bhajan Singh Resident of Village- Chetan Parsa
P.S. Parsa, District Saran, at Chapra

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. Ram Chandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 17-08-2016 Heard Mr. Sunil Kumar Pathak, for the petitioner and

Mr. Ram Chandra Singh, APP for the State.

This is repeat application seeking bail in Parsa P.S.
Case No. 08 of 2015 registered under Section 8/20(b)(iii) 29 of
the NDPS Act and diverse provisions of the Arms Act as well as
the Indian Penal Code.

On a raid, 30 Kg. ganja kept in 30 packets, some live
cartridges, stamps of officers of the Education Department were
recovered from the house occupied by the petitioner. The bail
application on his behalf was considered and rejected vide order
dated 15.12.2015 (Annexure-1). Again a prayer is made.

It is submitted that other co-accuseds who are the
occupants of the house have been released on bail.

The petitioner is incarcerated in jail since January, 2015. Except 1 criminal case in which he has been released on bail, there is no other criminal case pending against the petitioner.

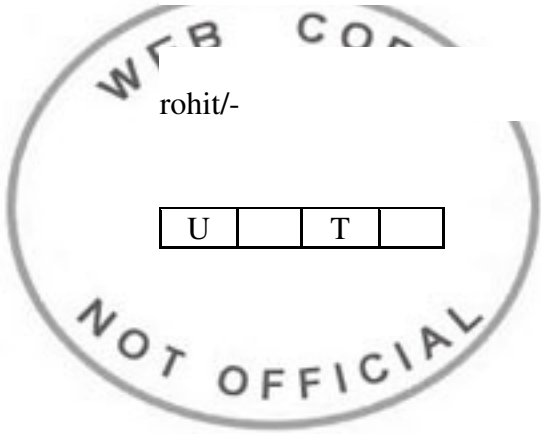
Status report called for is placed at Flag 'A'.

From perusal of the report, it appears that on 2nd September, 2015 charges have been framed. Steps have been taken thereafter to examine the prosecution witnesses. However, none of them till date has been produced/examined.

Looking to the materials available on record including the allegation as well as the period of incarceration already undergone by the petitioner, this Court while declining the relief, dispose of the bail application by the following order:-

- (i) Let the Trial Court endeavour to examine the remaining prosecution witnesses within five months from the date of receipt/production of a copy of this order failing which the petitioner(s) shall be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount to the satisfaction of 1st Additional Sessions Judge Saran at Chapra. Parsa P.S. Case No. 08 of 2015.
- (ii) One of the bailors shall be his own/close family member.
- (iii) The petitioner shall appear in person on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall

have liberty to cancel his bail bonds



(Kishore Kumar Mandal, J)