

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37423 of 2017

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

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1. Birendra Yadav @ Bijali Yadav, Son of Late Anup Yadav, Resident of Village- Teka Bigha, P.S.-Bakhtiyar Pur, Distt.-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Director of Narcotics Department Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar @ Sanidh, Adv.
Mr. Birendra Kumar Singh, Adv.

For Union of India : Mr. Manoj Kumar Singh, CGC.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 20-09-2017 Heard learned counsel for the petitioner and learned counsel 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), 25, 35 of the Arms Act and Sections 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 and again on 30.11.2016 in Cr.Misc. No. 39981 of 2016.

The allegation against the petitioner is that two country-made loaded pistols, six cartridges, six empty cartridges



and one kg ganja were recovered from his house for which, on inquiry, he could not offer any plausible explanation.

It is submitted by the learned counsel for the petitioner that though the petitioner is in custody since two and a half years, not a single witness has been examined on behalf of the prosecution during trial.

By order dated 23.08.2017, a report was summoned from the trial court regarding status of the criminal case against the petitioner. The trial court has reported that the charges were framed on 16.04.2016 and in spite of issuance of summons, bailable warrant of arrest, non-bailable warrant of arrest with D.O. letter to the Senior Superintendent of Police Patna, District Magistrate, Patna and the S.H.O. of the concerned police station, no witness has been produced on behalf of the prosecution.

Learned counsel appearing for the Union of India has opposed the prayer for grant of bail to the petitioner. He has submitted that on same and similar allegation the prayer for bail of the petitioner was twice rejected by this Court earlier.

I have heard learned counsel for the parties and perused the record.

Regard being had to the fact that the case involves recovery of small quantity of ganja from the house of the



petitioner and for over two years no witness has been examined during trial, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge, Patna in connection with Bakhtiyarpur P.S.Case No. 235 of 2013.

(Ashwani Kumar Singh, J)

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