

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2593 of 2022

Arising Out of PS. Case No.-385 Year-2021 Thana- DANAPUR District- Patna

Sonu Kumar Sharma @ Dillu Sharma @ Dillu Kumar, Son of Ashok Sharma
@ Ashok Kumar Sharma, Resident of Bhadra Ghat, Police Station- Alamganj,
District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Special Case No. 56 of 2021 arising out of
Danapur P.S. Case No. 385 of 2021 registered for the alleged
offences under Section 412 of the Indian Penal Code, Section
29(b)(ii)(B) of the N.D.P.S. Act and Sections 25(1-b)a, 26 and
35 of the Arms Act.

As per prosecution case, police received information
about three criminals roaming on a motorcycle and they were
intercepted and two of the criminals were apprehended and one



fled away from the scene. Petitioner is one of the apprehended criminals and from his possession, a bag containing 1.650 kg of *ganja*, a loaded *katta* and a loaded country made pistol with five live cartridges and a magazine with five live cartridges were recovered apart from mobile phone.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was picked up by the police from his residence and they took him away along with his motorcycle. No forensic examination of the contraband has been held. Charges have been framed in this case but till date no witness has been examined though all the witnesses are police personnel. Petitioner is in custody since 08.06.2021. The petitioner is having criminal history of other cases but there is no case under the provisions of N.D.P.S. Act.

Learned APP opposes the prayer for bail submitting that the petitioner was caught raid-handed with *ganja* and from his possession recovery of country made pistol, *katta* and a number of ammunitions along with magazine were made. The petitioner is a habitual offender and a number of case are pending against him.

Perused the records.



Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of recovery made from the petitioner along with his antecedent, I am not inclined to grant bail to the petitioner at this stage. Hence, the prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same preferably within a period of six months.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

