

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11009 of 2022

Arising Out of PS. Case No.-278 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

Oshiyar Sahani, Son of Rameshwar Sahani, Resident of Village- Barharwa,
P.S.- Kotwa, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-07-2022 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 from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Muffasil P.S. Case No. 278 of 2021 registered for the alleged offences under Sections 414, 420, 467, 468, 471, 120 (B) of the Indian Penal Code, Section 25(1-b)a, 26, 35 of the Arms Act and Sections 8 and 20(B) (ii)(c) of the NDPS Act.

Allegedly, a loaded pistol with three live cartridges and 1 K.G. of Charas were recovered from the possession of the petitioner when the petitioner was apprehended.

The learned counsel for the petitioner submits that the allegations are completely false and nothing has been recovered



from the person/possession of the petitioner. The mandatory requirements under Sections 42 and 50 of the NDPS Act have not been complied with while making the seizure. The petitioner is in custody since 01.06.2021 and is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner has been apprehended with commercial quantity of Charas and a loaded pistol with live cartridges. He is part with a criminal gang and he was arrested along with a number of other co-accused persons while making preparation of committing some offences.

Having regard to the submissions made hereinabove and considering the recovery of 1 K.G. of Charas with a loaded pistol and three live cartridges from the possession of the petitioner, I do not think it is a fit case for grant of bail.

Accordingly, his prayer for bail is rejected.

Learned trial court is directed to conclude the trial expeditiously preferably within a period of nine months.

However, if trial is not concluded within nine months, the petitioner may renew his prayer for bail.

V.K.Pandey/-

(Arun Kumar Jha, J)

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