

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42413 of 2022

Arising Out of PS. Case No.-490 Year-2021 Thana- JOGAPATTI District- West Champaran

Rajan Chaudhary Son of Lalan Chaudhary Resident of Village - Lagunaha
Patilar, P.s.- Chautarwa, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 43270 of 2022

Arising Out of PS. Case No.-490 Year-2021 Thana- JOGAPATTI District- West Champaran

Sahjad Miya S/O Naeem Miya @ Naim Miyan Resident of Village-
Phulwaria, P.S.- Ram Nagar District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 46518 of 2022

Arising Out of PS. Case No.-490 Year-2021 Thana- JOGAPATTI District- West Champaran

Biru Kumar Son of Madan Mukhiya Resident of Village - Jhanjhari, P.s.-
Inarwa, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 42413 of 2022)
For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Adv.
For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP
(In CRIMINAL MISCELLANEOUS No. 43270 of 2022)
For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Adv.
For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP
(In CRIMINAL MISCELLANEOUS No. 46518 of 2022)
For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Adv.
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned A.P.Ps. for the State.

The petitioners seek regular bail in connection with Session Trial No. 13 of 2022 arising out of Jogapatti (Sanichari) P.S. Case No. 490 of 2021 lodged under Sections 399, 402 of the I.P.C. read with Sections 25(1-b)a, 26/ 35 of the Arms Act and Section 20, 22, 23, 24, 25, 27(A) of the N.D.P.S. Act.

As per the prosecution case, all the three accused persons (petitioners moved in different criminal misc. number) were apprehended by the police, upon search one pistol and three live cartridges were recovered from the possession of petitioner of first case and one pistol and three live cartridges were recovered from the possession of petitioner of second case and 5.80 miligram of smack was recovered from the possession of petitioner of third case. Due to this reason, the case under Arms Act and NDPS Act has been filed.

Learned counsel for the petitioners of first and second case submits that NDPS material has not been recovered from their possession. Learned counsel submits that they are in custody since 12.11.2021 and charge-sheet has already been filed in this case and their custody is more than one year. Learned counsel for third case submits that for smack, commercial quantity is 250 gm whereas very petty amount of smack i.e. 5.80 miligram has been recovered from his possession. Learned counsel for the petitioners submits that

petitioners have criminal antecedents which are described in Paragraph 3 and they are all on bail except one case.

Learned counsel for the State vehemently opposes the prayer for bail and submits that there are 9 criminal cases pending against the petitioners of first case and second case whereas 3 criminal cases are pending against the petitioner of third case. Learned counsel submits that if they shall be released without framing of charge then trial shall never be concluded and there will be unnecessarily delay in the trial.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners. Therefore, the bail applications of the petitioners are hereby rejected but liberty is hereby granted to the petitioners that they may renew their prayer for bail 6 months after framing of charge and Trial Court is directed to conclude the trial as early as possible.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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