

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55877 of 2022

Arising Out of PS. Case No.-270 Year-2020 Thana- MINAPUR District- Muzaffarpur

GAURI SHANKAR KUMAR Son of Shivjee Pandit Resident of village-
Kanti Kasba Purana Chowk, P.S- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 14-12-2022 Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case under sections 25(1-B)(a) and 26 of the Arms Act and sections 8, 20 and 22 of the NDPS Act.

As per the prosecution case, on a raid being conducted by the police it is stated that the petitioner was caught and from his possession a loaded pistol with a live cartridge as also 20 ‘pudiya’ of smack was recovered.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 9.3.2021 passed in Cr. Misc. no.40859 of 2020 and order dated 2.3.2022 passed in Cr.Misc. No.4475 of 2022. Referring to the order dated 2.3.2022 it is submitted that from



the contents thereof it would transpire that at the time of rejection of bail of the petitioner by the said order, two witnesses had been examined on behalf of the prosecution. No witness has been examined on behalf of the prosecution since then inspite of 9 months having passed. The petitioner is in custody since 23.7.2020 and undertakes to cooperate in the trial.

Heard learned A.P.P. for the State.

A report was called for from the learned trial Court. As per the report received contained in letter dated 22.11.2022 of the 1st Additional District and Sessions Judge, Muzaffarpur, out of the seven chargesheet witnesses only two witnesses have been examined till date.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, no witness having been examined on behalf of the prosecution in the last more than 8 months together with the petitioner having remained in custody since 23.7.2020 ie for 2 years 4 months, the Court directs the petitioner to be enlarged on bail in connection with Minapur (Panapur O.P.) P.S. Case no. 270 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge,



Muzaffarpur.

(Partha Sarthy, J)

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