

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16823 of 2023

Arising Out of PS. Case No.-309 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

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OM PRAKASH SINGH @ SURAJ S/O Late Jagrnath Singh R/O Village-
Parsauni, Jahangir, P.S- Shebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manindra Kishore Singh, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with N.D.P.S. Case no.76 of 2021 (arising out of Sahebganj P.S. Case no.309 of 2021) registered under sections 25(1-B)(a), 26 and 35 of the Arms Act and sections 8, 20 and 22 of the N.D.P.S. Act.

3. The earlier prayer for bail of the petitioner was rejected vide order dated 13.5.2022 passed in Cr. Misc. no.64363 of 2021.

4. As per the prosecution case, one loaded country made pistol with a live cartridge and 500 gms of Charas was recovered from the possession of the petitioner.



5. Learned counsel for the petitioner submits that the petitioner is in custody since 28.6.2021 and there is no chance of the trial concluding in the near future. No incriminating article was recovered from his possession. Other co-accused have been enlarged on bail by the learned trial Court itself. The petitioner undertakes to cooperate in the trial. It is lastly submitted by learned counsel for the petitioner that the alleged amount seized is much below the commercial quantity.

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

7. A report was called for from the learned trial Court. As per the report received contained in letter dated 12.4.2023 of the learned 2nd Additional Sessions Judge, Muzaffarpur, the case is fixed for appearance of the two accused, who are on bail. Summons have been sent to them.

8. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner according to which 500 gms of Charas was recovered from his possession and the trial being delayed on account of non-appearance of the two accused who were granted bail, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

9. Learned trial Court is directed to expedite the



trial.

10. Liberty is granted to the petitioner to renew his prayer for bail after six months or after framing of charge, whichever is later.

(Partha Sarthy, J)

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