

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32943 of 2023

Arising Out of PS. Case No.-158 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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SHARVAN PASWAN S/O RAMASHRAY PASWAN R/O Village- Chilmil,
Ward No. 03, P.S- Muffasil, Distt.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad
For the Opposite Party/s : Mr.Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is permitted to
make necessary correction in para 10 of the bail application
regarding date of custody during the course of day.

The petitioner seeks bail in connection with
Muffasil P.S. Case No. 158 of 2003 registered for the offences
punishable under Sections 25(1-B)/A/26/35 of the Arms Act and
under Sections 08/20(b)(ii)(B) of N.D.P.S. Act 1985.

As per prosecution case, there is alleged recovery
of 2 live cartridge from the possession of present petitioner. It is
further alleged that 500 gm Ganja and others articles have been
recovered from other co-accused persons.



Learned counsel for the petitioner submits that petitioner is in custody since 18.03.2023. Petitioner bears two criminal antecedents which are not of similar nature. Learned counsel for the petitioner specifically submits that charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is innocent and has committed no offence as alleged in the F.I.R. Nothing has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 of Cr.P.C.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence as submitted, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Begusarai in connection with Muffasil P.S. Case No. 158 of 2023, subject to



following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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