

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56835 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- BARGAINIA District- Sitamarhi

=====

Arun Kumar Son of Dashayee Raut, R/o Village- Budhwapur, P.S.-RIGA,
District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 62391 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- BARGAINIA District- Sitamarhi

=====

Jitendra Paswan S/o Mahendra Paswan, R/V- Musachak, P.S.- Bairgania,
Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56835 of 2022)

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 62391 of 2022)

For the Petitioner/s : Mr. Virendra Kumar, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP.

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 24-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioners seeks regular bail in connection with
Bairgania P.S. Case No. 44 of 2022, lodged under Sections
25(1-b)a/26/35 of the Arms Act read with Section 8/20(b)(ii)(c)
of the NDPS Act.



As per prosecution case, the recovery of 1030 gram of *charas* alongwith 1 *desi katta* and 2 live cartridges are the subject matter of the present case.

Learned counsel for the petitioner of Cr. Misc. No. 56835 of 2022 submits that from the possession of petitioner namely Arun Kumar recovery of 1 *desi katta* and 2 live cartridges have been made as per seizure list (page no.19 of the bail application). He further submits that there are 3 criminal cases pending against him and he is on bail in one case and in rest 2 cases he is persuading for bail, in which, he has been remanded after lodging of present case. Learned counsel for the petitioner further submits that petitioner is in custody since 19.02.2022.

Learned counsel for the petitioner of Cr. Misc. No. 62391 of 2022 namely Jitendra Paswan submits that this petitioner is in custody since 19.02.2022, there are 2 criminal cases pending against him and he is on bail in both the cases. He further submits that total 520 gram of *charas* has been recovered from the possession of this petitioner. He also submits that another co-accused namely Virendra Paswan from whose possession total 510 gram *charas* has been recovered has already been granted bail by the Co-ordinate Bench of this



Court vide order dated 16.12.2022 passed in Cr. Misc. No.51114 of 2022.

Learned counsel for the State opposes the prayer for bail and submits that antecedent of both the petitioners are not clean.

Upon specific query that whether charge has been framed or not, learned counsel fairly submits that charge has not been framed in this case as yet.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners at present, therefore, their bail applications stands **rejected**.

Liberty is hereby granted to both the petitioners that they may renew their prayer for bail after framing of charge and the trial court upon move for bail after framing of charge, shall release them on bail imposing its own conditions so that they may not evade their appearance during trial.

(Dr. Anshuman, J.)

ritik/-

U		T	
---	--	---	--

