

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62961 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- NADI P.S. District- Bhagalpur

Birendra Sharma S/o Bhuvneshwar Sharma R/o Village- Kaharpur, P.S.- Nadi,
Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
N.D.P.S. Case No. 58 of 2022 arising out of Nadi P.S. Case No.
15 of 2022, lodged under Section 414 of the Indian Penal Code
read with Section 25 (1-A) (1-AA), 25(1-b)A, 26, 35 of Arms
Act and Section 8(c), 21(a) of N.D.P.S. Act.

As per prosecution case, the recovery of one *desi*
loaded *katta*, five live cartridges and one gram smack have been
made from the possession of petitioner which transpires from
the seizure list.

Learned counsel for the petitioner submits that



antecedent of petitioner is clean and he is in custody since 30.04.2022. He further submits that other co-accused Rana Yadav from whose possession five live cartridges have been recovered has been granted bail by the Co-ordinate Bench of this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 55929 of 2022. He further submits that other co-accused Jajal Yadav from whose possession 24 puriya smack have been recovered has been granted bail by the Co-ordinate Bench of this Court vide order dated 23.02.2023 passed in Cr. Misc. No. 57860 of 2022. He also submits that co-accused Sunil Harijan from whose possession 20 packet of smack like contraband was recovered with one country made pistol has been granted bail by the Co-ordinate Bench of this Court vide order dated 16.02.2023 passed in Cr. Misc. No. 54550 of 2022.

Learned counsel for the State opposes the prayer for bail and submits that once bail shall be granted, the accused person start evading their appearance and they shall delay the trial.

Upon specific query that whether charge has been framed or not, learned counsel submits that charge has not been framed as per his knowledge.

In the present facts and circumstances of this case and



the submissions made above, I am not inclined to grant bail to the petitioner at present, therefore, his bail application stands **rejected**.

Liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge.

Trial Court is directed to release the petitioner on bail upon move for bail after framing of charge, imposing its own conditions, so that he may not evade his appearance during trial.

(Dr. Anshuman, J.)

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