

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68798 of 2023**

Arising Out of PS. Case No.-326 Year-2020 Thana- BOCHAHAN District- Muzaffarpur

LALAN KUMAR @ LALAN SAHNI S/O BANSHLAL SAHANI @  
VANSI LAL SAHANI R/O VILLAGE- SANATHI, P.S- BOCHAHAN,  
DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Radhe Shyam, Advocate

For the Opposite Party/s : Dr. (Ms.) Indivar Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      10-11-2023

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

2. The petitioner seeks bail in a case registered for the  
offences punishable under Sections 20 and 22 of the NDPS Act and  
Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. Learned counsel for the petitioner submits that the  
order dated 30.06.2022 in Cr. Misc. No. 65201 of 2021, the prayer  
for regular bail of the petitioner was rejected as it was alleged that  
from possession of the petitioner one country made pistol along with  
live cartridges and contraband i.e. 10.2 Kg. Ganja and 1 Kg. Charas  
was recovered.

4. Learned counsel for the petitioner submits that charges  
in the case were framed on 17.10.2022 but till 13.10.2023 not a  
single witness was examined when the case was taken-up as such this  
Court directed the learned A.P.P. to file a counter affidavit duly sworn



by the Senior Superintendent of Police, Muzaffarpur.

5. Learned A.P.P. submits that a counter affidavit has been filed by the Senior Superintendent of Police, Muzaffarpur.

6. From perusal of the counter affidavit, it manifests that the contention of the learned counsel for the petitioner was correct that not a single witness by then had been examined. It also transpires that on 03.11.2023, the Dy.S.P. and the S.I., who were involved with the case, were present before the learned trial court on 03.11.2023 for getting their evidence recorded but the case was adjourned.

7. The Court completely fails to appreciate that as to why the witnesses had to wait for an order of this Court by order dated 13.10.2023 to appear before the learned trial court for recording their evidence.

8. The Court in the nature of allegation is not inclined to release the petitioner on bail. Hence, the prayer for bail is refused.

9. However, the Senior Superintendent of Police, Muzaffarpur is directed to ensure that the trial is concluded expeditiously and all the witnesses appear as and when called by the learned trial court.

**(Satyavrat Verma, J)**

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