

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32445 of 2024

Arising Out of PS. Case No.-561 Year-2021 Thana- SURSAND District- Sitamarhi

Hakim Shah @ Hakim Saf @ Mustkeen @ Mustakeem son of Late Biltu Singh R/o village- Mahendra Nagar, Ward No. 4, P.S.- Mahendra Nagar, District- Dhanusha (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 33783 of 2024

Arising Out of PS. Case No.-561 Year-2021 Thana- SURSAND District- Sitamarhi

Bhola Sah @ Shambhu Sah Son Of Late Yugal Sah Resident Of Village - Basatpur, Ward No. 7, P.S. - Srinagar, District - Sarlahi (NEPAL)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 32445 of 2024)
For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 33783 of 2024)
For the Petitioner/s : Mr. Madhubala Verma, Advocate
For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-05-2024 Both these petitions being taken up together because earlier petitions of both the petitioners bearing Cr. Misc. Nos. 25047 of 2022 and 6765 of 2022 were rejected by this Court *vide* order dated 20.12.2022 on merit. Thereafter, the petitioners preferred fresh bail applications in the Trial Court, but the same was rejected by the Ld. Trial Court. Hence, these petitioners



have moved before this Court again.

2. Heard Ld. counsel for the petitioners and Ld. APP for the State.

3. The petitioners seek bail in connection with Sursand P.S. Case No. 561 of 2021 dated 09.12.2021 registered for the offences punishable under Sections 399, 402 and 414 of the Indian Penal Code, Sections 25(1-B)a, 36 and 35 of the Arms Act and Sections 8 and 20 (b)(ii)(c)/22 of the NDPS Act.

4. As per allegation, 5 kg *charas*, mobiles, currency notes and other incriminating articles were recovered from the accused persons.

5. Ld. Counsel for the petitioners submits that in view of the length of the custody of the petitioners, the petitioners may be enlarged on bail because both the petitioners are in custody since 10.12.2021. Ld. counsel for the petitioners further submits that though charge has been framed, but no prosecution witnesses have been examined.

6. Ld. APP for the State vehemently opposes the prayer for bail of the petitioners submitting that the recovery of contraband of commercial quantity.

7. Considering the aforesaid facts and circumstances, this Court is not persuaded to enlarge the petitioners on bail.



Accordingly, the present bail applications of the petitioners are hereby rejected. However, Ld. Trial is directed to expedite the trial and, in case, the trial is not concluded within one year, the petitioners would be at liberty to renew their prayer for bail before this Court.

(Jitendra Kumar, J.)

Shoaib/ Ravi
Shankar-

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