

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33645 of 2024

Arising Out of PS. Case No.-646 Year-2022 Thana- FORBESGANJ District- Araria

Shyam Sunder Kumar @ Pauwa @ Nitish Kumar S/O Triveni Yadav, R/O
Village- Koriyapatti Ward No. 12, P.S- Jadia, Distt.- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-07-2024 Heard Mr. Mukesh Kumar Rana, the learned
counsel for the petitioner and Mr. Binod Kumar, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
25.06.2022, in connection with Forbesganj P.S. Case No. 646 of
2022, FIR dated 24.06.2022, registered for the offences
punishable under Sections 8 and 20(b)(ii)(c) of the NDPS Act
and under Sections 25(1-b)A, 26 and 35 of the Arms Act.

3. Earlier the petitioner has moved before this
Hon'ble Court in Cr. Misc. No. 19429 of 2023, which was
rejected vide order dated 06.10.2023.

4. According to the prosecution case, the informant
upon receiving information about the accused persons informed
the SHO Bhargama and proceeded from police station for



vehicle checking and during the same, the alleged Alto car was stopped and four persons were apprehended and from their possession three pistols and two live cartridges were recovered. It is further alleged that during the vehicle search, thirty kg of ganja was also recovered.

5. As per prosecution story, altogether 30 kg of ganja has been recovered from the vehicle in question. Apart from that, some arms have also been recovered from the possession of the co-accused persons. Learned counsel for the petitioner submits that he has falsely been implicated in the present case. He further submits that other co-accused person have been granted bail by this Court as well as other co-ordinate Benches of this Court. He further submits that it appears from the seizure list that altogether 30 kgs of ganja has been recovered from the Alto vehicle in question, which is more than the commercial quantity. Apart from the aforesaid, the report of the learned trial Court dated 28.06.2024 reveals that trial is going on and out of eight chargesheeted witnesses, two witnesses have been examined and the case is pending for the examination of rest of the prosecution witnesses.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for



bail of the petitioner on the ground that petitioner carries eleven criminal antecedent other than the present one, but fairly admits that petitioner is on bail in all those cases.

7. Considering the aforesaid facts and circumstances, I am **not** inclined to enlarge the petitioner on bail in connection with Forbesganj P.S. Case No. 646 of 2022, pending in the Court of learned Sessions cum the Special Judge, NDPS Act, Araria.

8. Prayer is refused.

9. However, the learned trial Court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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