

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61372 of 2023

Arising Out of PS. Case No.-167 Year-2022 Thana- BIHPUR District- Bhagalpur

Pappu Sharma, aged about 36 years (M) Son Of Nage Sharma Resident Of
Village - Raipur, Police Station - Bihpur (Bhawanipur O.P.), District - Bha-
galpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dilip Kumar, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

6 19-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Bihpur P.S. Case No.167 of 2022 registered for an offence pun-
ishable under Sections 37(C) and 45 of the Bihar Prohibition
and Excise Act and Sections 25(1-B)a, 26, 35 and 25(B) of the
Arms Act as well as Section 411 of the IPC.

3. As per allegation in the FIR, the informant along
with police party reached at the alleged place and after seeing
the police, four persons trying to fleeing away and on chase, one
person was caught who disclosed the name of other co-accused
persons. On search, one loaded pistol was recovered from the
hotel of the petitioner.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that on perusal of the FIR, it would appear that the petitioner was not arrested at the spot and no any incriminating substance was recovered from the conscious possession of the petitioner and similarly situated co-accused person has already been granted regular bail by a co-ordinate Bench of this Court passed in Cr. Misc. No. 31071 of 2022 and petitioner is in custody since 24.06.2023.

5. However, learned APP for the State opposes the prayer for regular bail of the petitioner.

6. Considering the aforesaid facts and as well as the fact that similarly situated co-accused person has already been granted regular bail by a Co-ordinate Bench of this Court, the prayer for regular bail of the petitioner is allowed. Accordingly, let the above named petitioner be released on bail ***after framing of the charge*** on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Bhagalpur in connection with Bihpur P.S. Case No. 167 of 2022.

7. The trial Court is directed to conclude the proceeding of framing of charge according to the law within a period of



fifteen days from the date of receipt of a copy of this order.
However, it is made clear that *if the charge-sheet has not been submitted*, then the above named petitioner shall be released on bail on above conditions and the petitioner shall be present physically on each and every date before the trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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