

Arising Out of PS. Case No.-1063 Year-2023 Thana- TURKAULIYA District- East
Champanan

... .. Petitioner/s

THE STATE OF BIHAR

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

ORAL ORDER

2. The petitioner seeks bail in connection with
a P.S. Case No.1063 of 2023 registered for the offence
Sections 399 and 402 of the Indian Penal Code, Sections
26 and 35 of the Arms Act and Sections 8, 20(b)(ii)(c)
D.P.S. Act.

3. As per prosecution case, there is a recovery of 1 k.g. 28 grams of charas and one loaded country made pistol along with one live cartridge from the possession of the petitioner along with other co-accused persons.

4. Learned counsel appearing on behalf of the



petitioner has submitted that petitioner has falsely been implicated in the present case. It is further submitted that it appears from FIR as well as seizure list that one knife has been recovered from the possession of the petition and the recovery of alleged contraband like *charas* and firearm has been made from other co-accused persons. It is submitted that similarly situated co-accused person, namely, Vipul Kumar, has already been granted bail by a co-ordinate Bench of this Court through Cr. Misc. No.85353 of 2023 on 09.01.2024. It is further submitted that the petitioner is a man of clean antecedent and he is in custody since 10.10.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and similarly situated co-accused person has already been granted bail by co-ordinate Bench of this Court as well as alleged recovery of *Charas* and firearms have not been made from the conscious physical possession of this petitioner, let the petitioner, above named, is directed to be released on bail ***after framing of the charge*** in connection with Turkauliya P.S. Case No.1063 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Sessions Judge/Special Judge,
East Champaran at Motihari.

7. However, the court below is directed to
conclude the proceeding of framing of charge according to law
within a period of one month from the date of receipt of a copy
of this order.

(Ramesh Chand Malviya, J)

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