

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2248 of 2024

Arising Out of PS. Case No.-895 Year-2023 Thana- MADHEPURA District- Madhepura

Shashi Bhushan Kumar Son of Sunil yadav Resident of village- Arraha ward
no 8 P.S saur bazar Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Ramchandra Sahni

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

ORAL ORDER

3 27-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Madhepura P.S. Case No.895 of 2023 registered for the offence
under Sections 413, 414/34 of the Indian Penal Code, Section
21(b) of the NDPS, Section 30(a) of the Bihar Prohibition and
Excise Act and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per FIR, there is recovery of one country
made pistol loaded one live cartridge and during search of
Scorpio vehicle recovered total 2.1 liter in 21 bottles of codeine
syrup.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been



implicated in the present case. It is submitted that no recovery of firearms as well as illegal codeine syrup was not made from physical possession, where, petitioner is owner and driving of said vehicle on hire basis and he was not aware about the illegal cough syrup was kept beneath the seat of the vehicle by the passengers. It is further submitted that the petitioner has no concern with the alleged recovery. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. It is further submitted that petitioner is in custody since 30.08.2023.

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

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, ***after framing of the charge***, in connection with Madhepura P.S. Case No.895 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Vth-cum-Special Judge, Excise Act, 1st, Madhepura.

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



period of 15 (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 furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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