



ITEM NO.3

COURT NO.3

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).11940/2024

(Arising out of impugned final judgment and order dated 30-04-2024 in CRA(DB) No.563/2022 passed by the High Court Of Judicature At Patna)

MUKESH SINGH @ PINKU

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(FOR ADMISSION and IA No.197038/2024-EXEMPTION FROM FILING O.T.)

Date : 11-11-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Prabhat Kumar Rai, Adv.
Mr. Sandeep Singh, AOR
Ms. Smriti Singh, Adv.
Mr. Achala Singh, Adv.

For Respondent(s) Ms. Archana Pathak Dave, A.S.G.
Mr. Raman Yadav, Adv.
Mr. Chitvan Singhal, Adv.
Ms. Sansriti Pathak, Adv.
Mr. Rajesh Kr.singh, Adv.
Mr. Arvind Kumar Sharma, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. The petitioner is one of the accused in FIR No.RC-05/2019/NIA/DLI, which was earlier known as FIR No.35/2019 registered under Sections 414, 467, 468, 471 and 474 of the Indian Penal Code, 1860 and Sections 25(1)(a), 25(1-A), 25(1AA), 25(1-B), 26, 29 and 35 of the Arms Act, 1959 as well as Sections 16, 17, 18,

18(b) and 19 of the Unlawful Activities (Prevention) Act, 1967.

2. The allegations are that the Bihar Police seized sophisticated weapons, including Under Barrel Grenade Launcher, large number of AK-47 and other ammunition from the Van, from which the petitioner and other co-accused fled when it was intercepted. The petitioner was eventually arrested on 18.02.2019 and is in custody for more than 5 years and 6 months.

3. As regard to the status of the trial, after framing of charges, the trial has commenced and around 50 witnesses, out of 106 witnesses have since been examined.

4. Learned Additional Solicitor General of India rightly submits that the trial has since been expedited. However, it seems to us that in conclusion of the remainder of the prosecution evidence and the defence evidence, if any that may be led by the petitioner or his co-accused, the conclusion of trial will take some reasonable time. The petitioner does not have criminal antecedents. He is not a repeat offender. It is true that the nature of charges is quite serious. However, having regard to the period already undergone by the petitioner, we are satisfied that he can be released on bail at this stage. Ordered accordingly.

5. The petitioner is directed to be released on bail subject to his furnishing bail bonds to the satisfaction of the Trial Court. In addition to the conditions that may be imposed by the Trial Court, it is directed that:

(i) the petitioner shall remain present before the Trial Court on each and every date of hearing;

(ii) the petitioner's counsel will fully cooperate with early

conclusion of the ongoing trial;

(iii) the petitioner shall report to the local Police Station once in a month to enable the Police Authorities to ascertain his presence and verify his conduct while on bail;

(iv) the petitioner shall not travel outside the State of Bihar without prior permission of the Trial Court;

(v) the petitioner shall not directly or indirectly extend any threat to the witnesses or tamper with the prosecution evidence.

6. The Trial Court shall make an endeavour to conclude the trial as early as possible and preferably within one year. In this regard, the prosecution as well as the defence counsels are directed to extend full cooperation. In the event of non-cooperation from anyone, the Trial Court is directed to send a status report, so that necessary directions for expeditious disposal of the trial in a time-bound manner can be issued.

7. The special leave petition is, accordingly, disposed of.

8. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR