

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11315 of 2015

Arising Out of PS.Case No. -30 Year- 2014 Thana -KASIMBAZAR District- MUNGER

1. Md. Nausad @ Polo @ Md. Polo S/o Md. Jainul Resident of Village
Mirzapur Bardah, P.S. Muffasil, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha

For the Opposite Party/s : Mr. Ashraf Ansari(App)

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 26-03-2015 Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since
22.11.2014 in a case registered for the offences punishable
under section 25(1-A)a 25(1-B)a, 25(1-C)a, 26(i)(ii)(iii) and
35 of the Arms Act and sections 17 and 20 of The Unlawful
Activities (Prevention) Act, 1967.

The house of one Md. Hassan Imam was raided
when it was found that his two sons Sonu and Mister used to
manufacture arms when arms manufacturing equipments and
unfinished pistols were recovered. Name of the petitioner
sprang up on the confession of Md. Imtiyaz as the person who
used to supply arms.



It is submitted by the learned counsel for the petitioner that initially though the case was registered under the Arms Act and sections 17 and 20 of The Unlawful Activities (Prevention) Act but charge sheet was not submitted under The Unlawful Activities (Prevention) Act. Statement to that effect has been made in paragraph 5 of the petition which reads as follows:

“That after investigation the police submitted charge sheet under section 25(1-A)A 25(1-B)A, 25(1-C)A, 26(i)(ii)(iii), 35 of the Arms Act only again (sic) the petitioner and cognizance for the offence under above said section was taken against the petitioner.”

The order of the learned Sessions Judge dated 16.2.2015 has been produced which suggests that cognizance has only been taken under sections 25(1-A)a 25(1-B)a, 25(1-C)a, 26(i)(ii)(iii) and 35 of the Arms Act. Admittedly, there is no recovery from the petitioner and Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent. Co accused Md. Sarfraz alias Mister has been granted bail vide Cr. Misc. No. 31827 of 2014.

Considering the aforesaid facts, let the above named petitioner be released on bail on furnishing bail bond of Rs.

10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Munger in connection with Kasim Bazar P.S. Case No. 30 of 2014.

(Dinesh Kumar Singh, J)

Anil/-

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