

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39702 of 2016

Arising Out of PS.Case No. -48 Year- 2009 Thana -MUNGER MUFFASIL District- MUNGER

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1. Md. Imteyaz son of Md. Aslam, resident of Colony- Mirjapur, Bardah,
Police Station- Munger (Mufassil), District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachin Kumar

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 19-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Munger
(Mufassil) P.S.Case No. 48 of 2009 registered under Sections
25(1-A), 25(1-AA), 25(1-B)(a)(c), 26(i)(ii)(iii) and 35 of the Arms
Act.

It is contended that no independent witness has
signed the seizure list and the witnesses to the seizure list were the
members of the raiding party. The police raiding party did not
supply even a copy of the seizure list to the petitioner or his family
members. It is further contended that co-accused Md. Parvej,
whose case is identical to that of the petitioner, has been granted
bail by a Bench of this Court vide order dated 14.01.2015 passed

in Cr.Misc. No. 1013 of 2015 after remaining in custody for over one year.

On the other hand, learned counsel for the State has opposed the application for grant of bail to the petitioner. She has submitted that the petitioner has recently been taken into custody on 14th March, 2016 and has not remained in custody for a period of one year and hence his case cannot be equated with the case of Md. Parvej, who has been granted bail by this Court.

Be that as it may, regard being had to the recovery of incriminating articles as mentioned in the seizure list contained in Annexure-1 to the present application, I am not inclined to grant bail to the petitioner for the present. Accordingly, the application for bail is rejected.

In case the trial is not concluded within six months from the date of receipt of a copy of the order before the court below, the petitioner would be at liberty to renew his prayer for bail.

(Ashwani Kumar Singh, J)

Pradeep/-

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