

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40978 of 2012

Arising Out of PS.Case No. -165 Year- 2009 Thana -null District- BHOJPUR

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1. Afjal Hussain S/O Shamsuddin Mohd., Resident Of Village- Araila, P.S- Jagdishpur (Tiyar), District- Bhojpur.

.... Petitioner/s

Versus

1. The Union of India through the Chief Secretary, Home Deptt. Govt. of India, Delhi.
2. The Under Secretary to the Government, Home Department, Jammu and Kashmir.
3. The Additional District Magistrate, Ramban/Doda, Jammu and Kashmir
4. The Record Keeper, Additional District Magistrate, Ramban/Doda, Jammu and Kashmir
5. The State of Bihar through Chief Secretary, Government of Bihar
6. The District Magistrate, Bhojpur, Ara
7. The Superintendent of Police, Bhojpur, Ara
8. The Station House Officer, Piro, P.S. Bhojpur, Ara
9. The Investigating Officer, Piro, P.S. Bhojpur, Ara

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad, Advocate

For the Opposite Party/s : Mr. Manu Madhukar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 28-03-2016

The Petitioner seeks release of licence No.239/A.D.M.R. dated 12.3.1996 and N.P.B. Rifle No.2685050 K.G.D.R. seized in connection with Piro P.S. case No.165 of 2009 (Trial No.1142 of 2011/ G.R. No.3216 of 2009), pending in the court of the Chief Judicial Magistrate, Bhojpur, Ara.

The case of the Informant was that on the date of occurrence a rifle bearing No.2685050 K.G.D.R. along with licence No.239/A.D.M.R was seized from the Petitioner on suspicion that it

was illegal arms. Thereafter several rounds of enquiry were attempted to be made but it did not yield any results and the contra report was not from the rightful authority.

Be that as it may, considering that the release of the rifle would be merely an interim arrangement, the application stands disposed of with a direction to the Court below to release the rifle along with licence on such bonds which he thinks necessary within a period of three weeks from the date of receipt of this order after due verification of the documents. However, at any later point in time, if it is found that the licence of the Petitioner is not genuine it shall be incumbent upon to him to produce the rifle so that the appropriate proceedings can be initiated.

It is made clear that this Court has not expressed its opinion on the merits of Piro P.S. case No.165 of 2009.

(Anjana Prakash, J)

Narendra/-

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