

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 26231 of 2017

Arising Out of PS.Case No. -49 Year- 2017 Thana -NARPATGANJ District- ARARIA

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Md. Khurshid Son of Late Md. Kuddus, Resident of Village- Khaira Garhia, P.S. -
Narpatganj, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate

For the State : Mr. A. Haque, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 01-07-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in Narpatganj P.S.
Case No. 49 of 2017 dated 06.02.2017 instituted under Sections
25(1B)(a)/26/35 of the Arms Act, 1959.

3. The allegation against the petitioner is that from his
house seven country made pistols have been recovered.

4. Learned counsel for the petitioner submitted that the
recovery is not from his conscious possession and further the house is
not exclusively owned by him and thus, he cannot be made
responsible for the recovery. It was further submitted that on the
seizure list, no family members are witness which raises serious
doubt about the authenticity and veracity of the seizure made.



Learned counsel further submitted that the petitioner is young and has never been involved in any criminal case prior to the present case.

5. Learned A.P.P. submitted that because the petitioner and other male members had fled away, the police had no option but to make co-villagers of the petitioner as witness which has been done. It was further submitted that the recovery being from the house of the petitioner, he cannot claim innocence.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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