

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4997 of 2017

Arising Out of PS.Case No. -534 Year- 2016 Thana -MOHANIA District- BHABHUA (KAIMUR)

=====

Jai Prakash Singh @ Jay Prakash Singh S/o Tarkeshwar Singh, Resident of
Mohalla-Pratap Nagar, Ward No. 13, Lane No. 186, Mohania, P.S.-
Mohania, District-kaimur (Bhabua).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rakesh Singh
For the Opposite Party/s : Mr. Sri Kalyan Shankar

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 09-03-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The Petitioner seeks bail in Mohania P.S. Case
No. 534 of 2016 instituted for the offence under Section(s) 25(1-
B), a, 26 of the Arms Act and Sections 37(1)(2) of Bihar
Excise(Amendment) Act, 2016.

It is alleged that petitioner was found in the
house in intoxicated condition and police also seized one country
made pistol in which four cartridges were loaded from the house
of this petitioner.

The case diary has been received.

Learned counsel for the petitioner has referred
to para 3 of the case diary where the doctor has stated that mouth



analyzer machine is not available and there is no facility for estimation of blood alcoholic condition through blood test at District Headquarters also.

This Court is unable to accept such type of report submitted by the doctor.

It has further been submitted that when no any substantive proof was made available to the police about the petitioner being in intoxicated condition then he has falsely been implicated for possessing fire arm.

The petitioner is in custody since 16.11.2016.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the Petitioner, above named, be released on bail on furnishing bail bond of 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No. 534 of 2016, subject to the conditions that both the bailors shall be the close relative of the petitioner.

Shageer/-

(Sanjay Priya, J)

U		T	
---	--	---	--

