

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46757 of 2018

Arising Out of PS.Case No. -120 Year- 2018 Thana -KHUSRUPUR District- PATNA

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Ashwani Kumar, Son of Jai Pal Singh, resident of Mohalla- Gardanibagh,
Road No. 21, P.S.- Gardanibagh, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar (No.-2)

For the Opposite Party/s : Mr. Abhay Kumar Roy (APP)

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 01-08-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 30 (a) & 37(c) of the Bihar Prohibition and Excise Act, 2016 and Sections 25(1-b)a, 26 & 35 of the Arms Act.

Three accused persons including the petitioner were apprehended on the motorcycle. From the possession of the petitioner one live cartridge, from possession of another accused Sandesh Kumar one country made loaded pistol and from possession of the 3rd accused, namely, Robin Kumar 375 ML of foreign liquor are said to have been recovered.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious



physical possession of the petitioner. He has no concern with the seized article. He has been falsely implicated in this case at the instance of his enemy by planting the aforesaid recovery from his possession. Only one live cartridge is said to have been recovered from the petitioner which is of no use without any firearm and firearm has not been recovered from the physical possession of the petitioner. Though one more criminal case has been lodged against the petitioner but he is on bail in the aforesaid case. He has been languishing in custody since 30.05.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Act, Patna in connection with Special Case No. 5043 of 2018 arising out of Khushrupur P.S. Case No. 120 of 2018.

(Prakash Chandra Jaiswal, J)

Kr. Uday/-

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