

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44648 of 2018

Arising Out of PS.Case No. -409 Year- 2018 Thana -ARA NAWADA District- BHOJPUR

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Jairam Kumar Singh @ Babloo Singh, S/o. Raj Kishore Singh, R/o. Village-
Situhari, P.S.- Narayan pur, district- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar

For the Opposite Party/s : Mr. Sakir Ahmad

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

2 24-07-2018 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 25[1-b]a, 26 and 35 of Arms Act and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Two live cartridges are said to have been recovered from possession of the petitioner sitting in the Alto car and one bottle beer kept in the car was seized.

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. There is no compliance of Section 100 Cr.P.C. Though



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two witnesses have been mentioned in the column of name and address of witness in the seizure list, but signature of both the aforesaid persons appears to have been made by one person as it is in one handwriting and pen. Moreover without pistol live cartridge is of no use. Similarly situated co-accused, namely, Ranjan Kumar @ Ranjan Kumar Singh has been enlarged on bail by a coordinate Bench of this Court in Cr. Misc. No.43932 of 2018 vide order dated 20.07.2018. He has no criminal antecedent and has been languishing in custody since 18.06.2018.

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, Bhojpur at Ara in connection with Ara Nawada P.S. Case No. 409 of 2018.

(Prakash Chandra Jaiswal, J)

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