

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37665 of 2018

Arising Out of PS. Case No.-283 Year-2017 Thana- BAKHRI District- Begusarai

Kundan Poddar @ Kundan Kumar son of Dinesh Poddar resident of village-
Kamasthan, P.S. Bakhari, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam
For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-07-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 25(1-B)a, 26 and 35 of the Arms Act.

The prosecution case as per the self-statement of Inspector-cum-SHO, Bakhari Police Station recorded on 10.11.2017 at 9.30 P.M. in front of the house of Dinesh Poddar, the father of the petitioner is to the effect that on the same day at 5.00 P.M., information was received that the liquor is being sold in the houses of several persons including at the house of Dinesh Poddar, the father of the petitioner, leading to raid. During the raid, one country made pistol was recovered from the pocket of an old hanged full-pant, leading to registration of FIR against the petitioner and his father Dinesh Poddar.



It is submitted by learned counsel for the petitioner that the recovery has been made from a joint family house. The FIR as well as seizure list suggest that the information was received that in the house of Dinesh Poddar, illicit liquor was being sold which led to raid. The seizure list also suggests that seizure was made from the house of co-accused Dinesh Poddar. It is further contended that the family members of the petitioner were present at the time of seizure but one Ram Lakhan Paswan who is a constable and member of the raiding team and resident of Bakhri Bazar has been made seizure list witness whereas place of seizure is situated at Kama Asthan, Ward No. 17. The FIR was registered on 10.11.2017 at 9.30 P.M. when it reached the Court of the learned CJM on 12.11.2017, which suggests that time of seizure has been antedated. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP admits the fact that the seizure has not been made from the personal possession of the petitioner.

Considering the fact that seizure has not been made from the possession of the petitioner rather from the house of the father of the petitioner namely Dinesh Poddar and the statement made in paragraph 3 of the petition that the petitioner is not



having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM – V, Begusarai in connection with Bakhari P.S. Case No.283 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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