

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47891 of 2018

Arising Out of PS.Case No. -191 Year- 2018 Thana -MINAPUR District- MUZAFFARPUR

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Ashok Singh, son of Late Rajendra Singh, resident of village Harkaman &
Hotie Kanpura, P.S. Minapur, District Muzaffarpur.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar

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

03 21-08-2018 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 399, 402 & 414 of the Indian Penal Code, Section 25 (1-b)A, 26 and 35 of the Arms Act and Section 30 (a) & 37 (b) of the Bihar Prohibition and Excise Act, 2016.

Two loaded country made pistol are said to have been recovered from the possession of the petitioner and petitioner was apprehended in inebriated condition.

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



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possession. There is violation of Section 100 Cr.P.C. He had not consumed liquor. He happens to be a teetotaler. He has no criminal antecedent and has been languishing in custody since 08.05.2018.

Learned A.P.P. for the State vehemently opposing the prayer of bail submitted that two loaded country made pistol have been recovered from the possession of the petitioner, hence he does not deserve bail.

In the facts and circumstances of the case, the prayer for bail is hereby rejected at this stage. However, the petitioner would be at liberty to renew his prayer for bail after three months or after framing of the charge, whichever happens earlier.

(Prakash Chandra Jaiswal, J)

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