

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33483 of 2018

Arising Out of PS.Case No. -12 Year- 2018 Thana -INDUSTRIAL District- BHAGALPUR

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1. Abhay Kumar Yadav S/o Sri Chhotan Yadav, R/o Vill.- Pashim Tola
Barari, P.S.- Barari, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Tapeswar Sharma

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

03 27-06-2018 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 3/4 of the Explosive Substances Act and Section 30 (a) 37 (C) of the Bihar Prohibition and Excise Act, 2016.

Two bombs 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 either with the seized article or from the place of recovery. From seizure



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list, it is evident that bomb was recovered from the Samshan Ghat which is an open place and easily accessible by any one. As a matter of fact, the said bombs were dumped there by some miscreants and petitioner has been falsely implicated in this case by the police merely on suspicion while he was passing through the place of occurrence at the time of occurrence. There is no forensic report to the effect that the seized articles were bomb. Charge-sheet in the case has already been submitted. Though several cases have been lodged against the petitioner, but he is on bail in the aforesaid cases. He has been languishing in custody since 31.01.2018.

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, Bhagalpur in connection with Industrial P.S. Case No. 12 of 2018.

(Prakash Chandra Jaiswal, J)

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