

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13749 of 2018

Arising Out of PS.Case No. -241 Year- 2017 Thana -BENIPATTI District- MADHUBANI

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Brajesh Kumar Thakur, S/o Upendra Thakur, R/o-Haripur, P.S.-Charout,
District-Sitamarhi at Present C/o Navin Thakur, Resident of Borhar, P.S.-
Khirhar, District-Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sushil Kumar Jha, Advocate.

For the Opposite Party : Mr. Ram Bachan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-03-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
30.10.2017 in a case for the offence registered under Sections
25(1) (a)(b), 26(ii), 35 of the Arms Act and 37(b)(c) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that one country
made loaded pistol alongwith one live cartridge is alleged to have
been recovered from possession of the petitioner. The petitioner
was also found in drunken state. It is also alleged that 180ML
wine is recovered from co-accused Chandan Kumar.

It has been submitted by learned counsel for the



petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. One country made loaded pistol alongwith one live cartridge is alleged to have been recovered from possession of the petitioner. 180 ML wine is also alleged to have been recovered from co-accused Chandan Kumar. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Benipatti P.S. Case No. 241 of 2017, being G. R. No. 775 of 2017.

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(Sudhir Singh, J)