

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2213 of 2019

Arising Out of PS. Case No.-777 Year-2018 Thana- KOTWALI District- Patna

Md. Chunnu Md. Mazid, Resident of Village- Raja Bazar, Samanpura, P.S.-
Shastrinagar, District- Patna, permanent resident of Village- Bidupur Mile
Pakri, P.S.- Bidupur, District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Ranjan Kumar

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-01-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Special Case No.10737 of 2018 arising out of Kotwali P.S. Case
No. 777 of 2018 for the offences punishable under Sections
25(1-b)A/26 of the Arms Act and Section 279 of the Indian
Penal Code.

The allegation is regarding the petitioner having been
apprehended by the police and the police found that liquor smell
was coming from the mouth of the petitioner and upon search, .
38 KF cartridge as well as other articles were recovered.

The learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case and is
having a clean antecedent. It is further submitted that the



learned trial court has wrongly recorded in the impugned order dated 16.11.2018 that one illegal arms was also recovered from the petitioner, whereas the seizure list would bear it out that no such arm was recovered. It is submitted that the petitioner is languishing in custody since 9.11.2018, hence has been suitably punished for possessing such article.

Having regard to the facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 10737 of 2018 arising out of Kotwali P.S. Case No. 777 of 2018.

Let the learned trial court verify as to whether it has been wrongly mentioned in the impugned order dated 16.11.2018 regarding recovery of one illegal arms from the petitioner and thereafter shall proceed for releasing the petitioner on regular bail.

(Mohit Kumar Shah, J)

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