

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20328 of 2019

Arising Out of PS. Case No.-491 Year-2018 Thana- ROSERA District- Samastipur

Arjun Kumar, aged about 19 Years, Male, Son of Gopal Sah, Resident of
Village - Sahni Tola, Narhan, P.S.- Bibhutipur, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Raja Ram Mishra, Advocate.

For the Opposite Party : Mr.Suman Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-04-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
22.12.2018 in a case for the offence registered under Sections
25(1-b)a, 26 and 35 of the Arms Act and 37(b) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that on 22.12.2018,
in course of patrolling in Village-Sahiyarburja, near a Scorpio,
the petitioner and two other co-accused were seen by the police.
On suspicion, the police rushed towards the trio, but they tried
to flee by Scorpio. They alongwith other officials stopped the
Scorpio and the petitioner alongwith two other co-accused
apprehended by the police. The police found that trio were
under the influence of liquor and bad smelling was coming from



their mouth. The trio were subjected to breath analyzer test which were found positive. The police searched the body of trio and one Desi Katta and two live cartridges is said to be recovered from the petitioner. Some mobiles were also seized from the accused persons and on the basis of the seizure, the present case has been lodged.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet/prosecution report has been submitted in the present case. 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 pistol and two live cartridges is alleged to have been recovered from possession of the petitioner. The petitioner was found to be in drunken state. 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 A.D.J.-III-cum-Special Judge, Excise Act, Samastipur, in connection with



Rosera P.S. Case No. 491 of 2018.

(Sudhir Singh, J)

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