

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65921 of 2018

Arising Out of PS. Case No.-705 Year-2017 Thana- PHULWARISHARIF District- Patna

Rajendra Garain S/o Late Lala Garain, R/o Mohalla- Naisarai, P.S.- Bihar
Bihar Sharif, District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Premchandra Yadav

For the Opposite Party/s : Mr.Sri Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 15-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

The prosecution case got initiated on the basis of written report of A.S.I., Amrendra Kishore submitted before the Station House Officer, Phulwarisharif Police Station is to the effect that on 06.11.2017 at 6.45 A.M., the informant received secret informant that illegal suppliers of arms and ammunition are travelling from Nalanda via Patna from Kanpur, consequently a vehicle was intercepted in which three persons were found travelling, who were arrested. The apprehended co-accused persons disclosed their names as co-accused Naresh Kumar,



Krishna Prasad and Md. Perwez Alam. On frisking from the said vehicle, 1350 cartridges of .315 bore were recovered. The apprehended co-accused further disclosed that they had to deliver the said cartridges to the petitioner.

It is submitted by learned counsel for the petitioner that admittedly, the recovery has not been made from the conscious physical possession of the petitioner. The name of the petitioner sprang up on the confessional statement of apprehended co-accused and the petitioner was not present at the place of seizure on the alleged date. Though the petitioner is accused in one other case of similar nature.

It is submitted by learned APP for the State the name of the petitioner sprang up on the confession of apprehended co-accused.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner and the name of the petitioner sprang up on the basis of confessional statement of apprehended co-accused, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of the learned CJM, Patna, in connection with Phulwarisharif P.S. Case No.705 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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