

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79599 of 2018

Arising Out of PS. Case No.-130 Year-2018 Thana- HABIBPUR District- Bhagalpur

Md. Sahin Parwez son of Late Maksood Resident of Village - Takichak, P.S.
Habibpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda

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

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 11-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Habibpur P.S. Case No. 130 of 2018** registered for the offence punishable Section 37 (c) of the Bihar Prohibition and Excise Act and under Sections 25(1-b)a and 26 of the Arms Act.

Allegation is of recovery of one loaded country made pistol from the possession of petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to local politics. Petitioner has got no criminal antecedent and is in custody since 26.08.2018.

Considering the nature of crime and custody period, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.



However, it is observed that the petitioner named above be released on bail **after completing six months of jail custody by the court below** upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Bhagalpur,** in connection with **Habibpur P.S. Case No. 130 of 2018,** with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4). If the petitioner is found involved in similar nature of offence, after his release on bail, the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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