

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2324 of 2020

Arising Out of PS. Case No.-271 Year-2019 Thana- DEEPNAGAR District- Nalanda

MD. SHAMSHAD ALAM Son of Idrish Miya Resident of Village - Seema,
P.S.- Silao, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bindeshwar Prasad Singh
For the State : Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Deepnagar P.S. Case No. 271 of 2019, registered for the
offence punishable under Sections 399/402 of the Indian
Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act
and Section 30(a) of the Bihar Excise and Prohibition Act,
2016.

The allegation is regarding the police having
apprehended six accused persons including the petitioner
herein and upon search, country made pistol, live cartridges,
cash, mobile etc. were recovered, however, as far as the
petitioner is concerned, only one mobile is stated to have
been recovered.



The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. It is submitted that though the petitioner is accused in two other cases, but he is on bail in the said two cases. The petitioner is stated to be languishing in custody since 14.9.2019.

Per contra, the learned APP for the State, Mrs. Anita Kumari Singh has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, coupled with the fact that no illicit arms have been recovered from the possession of the petitioner, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Nalanda (Biharsharif) in connection with Deepnagar P.S. Case No. 271 of 2019 (G.R. No. 5130 of 2019).

(Mohit Kumar Shah, J)

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