

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21245 of 2020

Arising Out of PS. Case No.-537 Year-2019 Thana- LAHERIYASARAI District- Darbhanga

Md. Bare @ Md. Naseem, son of Md. Abbas, resident of village- Khijarsarai,
P.S.- Laheriasarai, Distt.- Darbhanga Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Md. Sufiyan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-08-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through video

conferencing.

The petitioner seeks regular bail in connection with

Laheriasarai Police Station Case No. 537 of 2019, registered for

the offences punishable under Sections 25(1-b)a/26/35 of the

Arms Act.

The allegation against the petitioner is that the police,

on the basis of secret information, raided the place of

occurrence and recovered one country-made loaded pistol from

the possession of the petitioner.

Learned Counsel for the petitioner submits that the

petitioner has falsely been implicated in this case and the

procedure prescribed for search and seizure under Section 100

of the Code of Criminal Procedure, 1973 has not been followed.

He further submits that the petitioner has got no criminal



antecedent of similar nature inasmuch as two cases under the provision of the Excise Act were registered against the petitioner. He further submits that the petitioner is in custody since 14.12.2019, i.e. for more than eight months.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner has no criminal antecedent of similar nature and he has remained in custody for about eight months, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Accordingly, let the petitioner, above named, be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai Police Station Case No. 537 of 2019.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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