

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26855 of 2020

Arising Out of PS. Case No.-182 Year-2020 Thana- KHAGARIA District- Khagaria

1. SANTOSH YADAV Son of Late Masudan Yadav Resident of Village - Gangia, P.S. - Gangaur, District - Khagaria.
2. Ravin Kumar Son of Dukharan Yadav Resident of Village -Ahoghat, P.S. - Sahebpur Kamal, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh
For the Opposite Party/s : Mr. Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-10-2020 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State, through video conferencing.

The petitioners seek regular bail in connection with Khagaria (Gangaur) Police Station Case No. 182 of 2020, registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise Act, 2016 and Sections 25(1-b)a/26/35 of the Arms Act.

The allegation, as per the First Information Report, is that the police intercepted one Maruti Suzuki Ertiga car, bearing registration no. BR 09PA/2472, in which three persons were sitting and recovered ten live cartridges of 315 bore and one



mobile set of Redme company from the possession of petitioner no. 1 and also recovered 02 litres of illicit country-made liquor kept in the dickey of the car in question.

Learned Counsel for the petitioners submits that from the possession of petitioner no. 1, ten live cartridges without arm has been recovered and, therefore, no offence under the provisions of the Arms Act is made out and both the petitioners are not the owner of the car in question and they do not know who is the owner of the car in question.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that ten illegal live cartridges have been recovered from the possession of petitioner no. 1 along with illicit liquor, I am not inclined to grant regular bail to the petitioner no. 1, at this stage.

This application, so far as it relates to petitioner no. 1, is dismissed.

However, the petitioner no. 1 may renew his prayer for bail after three months from today.

However, considering the fact that nothing has been recovered from the possession of petitioner no. 2 and he was only accompanying petitioner no. 1, I am inclined to grant regular bail to the petitioner no. 2.



This application, so far as petitioner no. 2 is concerned, is allowed.

Accordingly, let the petitioner no. 2, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Khagaria, in connection with Khagaria (Gangaur) Police Station Case No. 182 of 2020.

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

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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