

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 23553 of 2020**

Arising Out of PS. Case No.-335 Year-2019 Thana- SIMRI District- Buxar

SURAJ SINGH Son of Sanjay Singh Resident of Village - Balihar, P.S. -
Simari, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Binod Kumar Singh, Advocate

For the Opposite Party/s : Ms Shaheen Begam, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **16-09-2020** As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Simari Police Station (for brevity, PS) Case No 335 of 2019 instituted for the offence punishable under Sections 25 (1-b) a, 26/35 of Arms Act.

On information regarding some illicit liquor being



stored by the petitioner, his house was raided. It is the prosecution case that one country made pistol and two live cartridges of .315 bore were recovered from beneath the bed where the petitioner was hiding.

Learned counsel for the petitioner submits that, even as per prosecution case, there was no recovery of liquor. The arms and ammunition, allegedly found, have been recovered from under the bed and not from the petitioner's possession. It is further submitted that it is a case of false implication as seizure is not in accordance with law. Petitioner is on bail in the other four cases, pending since before, as per details in paragraph 3 of the bail petition. He is in custody in this case since 29.11.2019.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Buxar in Simari PS Case No 335 of 2019 subject to the following conditions:-

- (i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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