

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20713 of 2021**

Arising Out of PS. Case No.-708 Year-2020 Thana- SARAIYA District- Muzaffarpur

Mithlesh Kumar @ Mithlesh Bhagat, Son of Narayan Bhagat @ Ram Narayan Bhakt, Resident of Village - Lalpura, Buddha tola, P.S.- Saraiya, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Nitu Kumari, Advocate
Mr. Yogendra Kumar Singh, Advocaee.
For the Opposite Party/s : Mr. Anil Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

4 08-12-2021 The applicant/accused in Crime No. 708 of 2020 registered with Saraiya Police Station for the offences punishable under Section 414 read with Section 34 of the Indian Penal Code as well as under Sections 25(1-b)a, 26 and 35 of the Arms Act so also Sections 20 and 22 of the N.D.P.S. Act at the instance of first informant Ajay Kumar Paswan, P.S.O., by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He submits that the applicant is behind the bars from one year.

According to the prosecution case, only one country made revolver and 500 Gms opium is recovered from him. The



applicant was not having any criminal antecedent prior to registration of the present crime. It is further argued that as yet there is no report of the Forensic Science Laboratory in respect of the seized material.

The learned Additional Public Prosecutor opposed the application by relying on the counter affidavit filed by the Investigating Officer and contended that the quantity seized is more than small quantity and the sample thereof is sent for chemical analysis on 28.01.2021.

I have considered the submissions so advanced and also perused the materials placed before me.

During the course of checking of the vehicles, the applicant was found to be ridding on a two wheeler vehicles without having number plate fixed on it. The applicant was caught. In his personal search, apart from a firearm, opium weighing 500 Grams came to be seized.

The samples of the seized material is already sent for the chemical examination and the report is awaited.

Considering the nature of the offence and the fact that the applicant was caught raid handed, at least till receipt of the report of the Forensic Science Laboratory, no case for bail of the applicant is made out.



This application is hereby rejected with liberty to the applicant to move again for bail if the report of the Forensic Science Laboratory is favourable to the applicant.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

Bhardwaj/-

U		T	
---	--	---	--

