

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25464 of 2021**

Arising Out of PS. Case No.-4 Year-2021 Thana- BUXAR MUFFSIL District- Buxar

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SANJAY SINGH KUSHWAHA S/o Late Ramekbal Kushwaha R/o Village-
Mahdah, P.S.- Buxar (Muffasil), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 27-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms.

Veena Kumari Jaiswal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Buxar (Muffasil) P.S. Case No.04/2021

registered for the offences punishable under Section 30(a) of the

Bihar Prohibition and Excise Act and Sections 25(1-AA), 26

and 35 of the Arms Act. He is in custody since 05.01.2021.

Learned counsel for the petitioner submits that as per

the First Information Report when the police party searched the

house of Rahul Singh who happened to be the son of the

petitioner, four persons started fleeing away. One of them was



caught, he is said to be the petitioner who disclosed that his son Rahul Singh and two friends of Rahul Singh had fled away. In course of search, one semi-automatic pistol with one empty magazine and Rs.40,000/- cash, two mobile sets and 2.7 liters of liquor were recovered.

Learned counsel submits that from the First Information Report itself it will appear that the magazine which was seized was not containing any live cartridge and the petitioner happens to be the father of the said Rahul Singh and for that reason only he has been falsely implicated in this case. The petitioner has remained in custody for about nine months in connection with this case, investigation against him is complete and he has got no criminal antecedent.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner, considering that the petitioner has remained in jail for about nine months and he has got no criminal antecedent as also that the investigation in the present case is over, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Buxar in connection with Buxar (Muffasil)



P.S. Case No.04/2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

