

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6312 of 2021**

Arising Out of PS. Case No.-260 Year-2020 Thana- KHAJANCHI HAT District- Purnia

MD. KHURSHEED S/O MD. RAHMAN R/O VILLAGE BANBHAGH
UTTAR TOLA, WARD NO.2, P.S.-K.NAGAR, DISTRICT-PURNEA.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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

4 02-08-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Bishweshwar Ram, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with K. Hat P.S. Case No. 260 of 2020 for the offences registered under Section 25(1-B), a, 26 of the Arms Act, Section 402 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story, the informant had got secret information and as per the same he proceeded to Hawai Adda field. When he

reached there 5-6 persons started fleeing on seeing police. The petitioner got apprehended and he disclosed his name as Md. Khursheed and the name of other accused persons who managed to escape. When search was made a country-made pistol, two live cartridges and a mobile phone was recovered from the possession of the petitioner. It is also alleged that from the dickey of a motorcycle 375 ml foreign liquor have been recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the seizure list witnesses are not independent witnesses. The petitioner is in custody since 3.6.2020.

Learned APP for the State has though opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the seizure list witnesses are not independent witnesses and they are members of the police party, from possession of the petitioner one country made pistol with two live cartridges and six bottles of liquor have been allegedly recovered, the petitioner has got two criminal antecedent but in

both the cases he is on bail, in the present case he has remained in custody for one year two months, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above-named on bail furnishing of bail bonds 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) Purnea in connection with K.Hat P.S. Case No. 260 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands allowed.

(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'.