

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7738 of 2021

Arising Out of PS. Case No.-97 Year-2020 Thana- NAUGACHIA District- Bhagalpur

KAMAL SHAH S/o BASUDEO SAH Resident of Village - Shahid Tola
Chaiti Durga Mandir Chowk, P.S. - Naugachhia, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey

For the Opposite Party/s : Mr. Satyadeo Singh Yadav

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-06-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 25 (1-b)a/26/35 of the Arms Act and Section 38 (a)/38 (i) of the Bihar Prohibition and Excise Act, 2016.

Three liters of foreign liquor and four pistols along with other arms and ammunition is said to have been recovered from the house of the petitioner.

It is submitted by learned counsel for the petitioner



that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or the place of recovery or any trade of liquor or the illegal arms. He has been falsely implicated in this case at the instance of his enemy by planting the aforesaid recovery. The house of the petitioner is inhabited by his several family members and he had no knowledge of keeping of the said liquor and arms in the house. Petitioner has no criminal antecedent and has been languishing in custody since 23.03.2020.

Petitioner is agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Naugachhiya P.S. Case No. 97 of 2020, subject to further condition that

(1) 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. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000.00 (Rupees Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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