

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2672 of 2022**

Arising Out of PS. Case No.-61 Year-2021 Thana- TEYAR District- Bhojpur

Md. Muslim S/o Late Samshuddin Resident of Village- Araila, P.S.- Tiyar,  
District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                |
|----------------------|---|--------------------------------|
| For the Petitioner/s | : | Mr. N. A. Shamsi, Advocate     |
| For the State        | : | Mr. Anil Kumar Singh No.1, APP |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      05-09-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Tiyar P.S.  
Case No. 61 of 2021 registered for the offence under Sections  
25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in  
custody since 12.09.2021.

The allegation against the petitioner is to have in  
possession of one country made and three live cartridges, as per  
seizure list.



Learned counsel appearing on behalf of the petitioner submitted that the present allegation is purely politically motivated, for the reason that petitioner was elected Block Pramukh and, presently, member of Zila Parishad. It is submitted that the implication gets further strength, as seizure list of alleged fire arm is not supported by independent witnesses, rather same is supported by police personnel, who are the member of the raiding party. It is further submitted that the alleged fire arm was not recovered from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that seizure list is supported by police personnel.

In view of the facts and circumstances, as mentioned above, as recovery of alleged fire arm cannot be said to be made from the conscious physical possession of the petitioner, in the background of disputed seizure list coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with



Tiyar P.S. Case No. 61 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1<sup>st</sup> Class, Bhojpur at Ara/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

Ankit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

