

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10181 of 2022

Arising Out of PS. Case No.-240 Year-2020 Thana- MUNGER MUFFASIL District- Munger

Vijay Sharma Son of Rameshwar Sharma Resident of Village - Chain Tola
toufir, P.s.- Muffasil, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 11-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State

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

At the outset, learned counsel for the petitioner
submitted that inadvertently, custody period in the bail petition
has been wrongly typed as '18.10.2020' instead of '19.10.2020'.

Accordingly, learned counsel for the petitioner is
permitted to make necessary correction, during the course of the
day itself.

The petitioner seeks bail in connection with Muffasil
P.S. Case No. 240 of 2020 registered for the offence under



Sections 25(1-A), 25(1-AA), 25(1-B)a, 26(1)(ii) and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 19.10.2020.

The allegation against the petitioner is to have in possession and also manufacturing activities of fire arms, wherein, four (4) country made pistols, five (5) partly manufactured pistol and also one live cartridge, along with other equipments alleged to be used in manufacturing activities were recovered.

Learned counsel appearing on behalf of the petitioner submitted that allegation of manufacturing is completely baseless as alleged fire arms were found in one jute bag, concealing in one corner of a room, sufficient to gathered that alleged recovery of fire arms were not made from the conscious physical possession of this petitioner. It is submitted that apparently, this is a case of possession, where nothing surfaced, during the course of investigation, which may suggest that petitioner was involved in manufacturing activities. It is further submitted that seizure list appears disputed, for the reason, that same is not supported by independent witnesses rather by police personnel. It is also submitted that compliance of Section 100(4)



of the Cr.P.C. was not made in the present case. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that seizure list is supported by police personnels.

Considering the facts and circumstances as mentioned above, as recovery of fire arms not appears from the conscious physical possession of this petitioner, in the background of disputed seizure list, where petitioner is in custody since 19.10.2020 coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Muffasil P.S. Case No. 240 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the



Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Mantu Sharma, who is the Son of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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