

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12155 of 2022**

Arising Out of PS. Case No.-368 Year-2020 Thana- MANJHI District- Saran

Ranjan Singh Son of Anil Kumar Singh Resident of Village - Teghra, P.s.-
Manjhi, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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

2 12-07-2022 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.

The petitioner seeks bail in connection with Manjhi
P.S. Case No. 368 of 2020 registered for the offence under
Sections 25(1-b)a, 25aa, 26 and 35 of the 27 Arms Act and 30(a)
of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.12.2020.

The allegation against the petitioner is to have in
possession of illegal fire arms as one loaded 0.315 bore country
made Katta and one 0.315 bore cartridge.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner was gathered along with other co-accused persons in the house of one co-accused, namely, Sumit Singh in connection with birthday party. It has further been submitted that petitioner apprehended from the house of the other co-accused persons from where the alleged recovery of fire arms have been made, as such, it cannot be said that recovery is made from the conscious physical possession of the petitioner. It has further been submitted that though petitioner alleged to be apprehended at spot but no copy of seizure list was supplied and is not signed by the petitioner, doubting, further entire seizure. It has also been submitted that mandatory provision of Section 100 Cr.P.C. was not complied with in the present case. It has further been submitted that petitioner is involved in one case, in which, he is on bail. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, 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 disputed as the same is not bearing the signature of the petitioner.

Considering the facts and circumstances as mentioned



above, as seizure list regarding fire arms is appearing disputed in this case, suggesting that the same has not been recovery from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Manjhi P.S. Case No. 368 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 2nd Exclusive Special Excise Court, Saran at Chapra/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 Anil Kumar Singh, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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