

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13790 of 2022

Arising Out of PS. Case No.-97 Year-2021 Thana- PARBATTI District- Bhagalpur

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KAILASH YADAV SON OF LATE MAHESH YADAV R/O VILLAGE-
LAKSHMIPUR, P.S.- ISLAMPUR, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 23-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Parbatta
P.S. Case No. 97 of 2021 registered for the offences punishable
under Sections 37(b)(c) of Bihar Prohibition and Excise Act, 2018
read with Section 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, accusation against the
petitioner is that he was found in drunken condition and nine live
cartridge, one country made pistol and one stolen motorcycle is
recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 06.08.2021. Petitioner bears three



criminal antecedents out of which one case is of similar nature. Learned counsel further submits that the petitioner is innocent and has committed no offence as alleged in the F.I.R. Nothing incriminating article has been recovered from the possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner. He further submits that there is huge recovery of cartridges and one country made pistol from physical possession of the petitioner.

Considering the facts and circumstances of the case, nature of accusation, recovery has been made from the conscious possession of the petitioner and material available on record, I am not inclined to grant bail to the present petitioner. Accordingly, prayer for bail of the present petitioner stands rejected.

However, petitioner may renew the prayer of bail after six months from the date of receipt of this order, if there is no substantial progress in trial.

(Alok Kumar Pandey, J)

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