

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18779 of 2022**

Arising Out of PS. Case No.-14 Year-2019 Thana- CHANDAN District- Banka

NISHU TURI Son of Shri Kali Turi Resident of Village - Gidhani, P.S.-
Jasidih, Distt.- Deoghar (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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

2 08-08-2022 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 Chandan P.S.
Case No. 14 of 2019 registered for the offence under Section 25(1-
B)a of the Arms Act.

The accused/petitioner is not named in the F.I.R. and is in
custody since 12.12.2021.

The allegation against the petitioner is to have in
possession of one country made pistol along with 02 live cartridges.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner was named in Devipur P.S. Case No. 6 of
2019 of district Devghar, Jharkhand and said motorcycle was found
in temple premises, having fire arms, the petitioner also named in



present case. It is also submitted that it is admitted position that recovery of firearms is not made from conscious physical possession of the petitioner. It is also pointed out that petitioner is involved in two other case, in which, he is on bail. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already 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 recovery of firearms was not made from physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the recovery of firearms has not been made from the conscious physical possession of the petitioner 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 Chandan P.S. Case No. 14 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Banka/concerned court, subject to the conditions, as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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