

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20331 of 2022

Arising Out of PS. Case No.-23 Year-2022 Thana- HISUWA District- Nawada

Shivalak Chaudhary, Son of Late Sadhu Chaudhary, R/O Village-
Mahmadpur, P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sidhendra Narayan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Hisua P.S. Case No. 23 of 2022, registered for the alleged offences under Sections 25 (I-b)A, 26, 35 of the Arms Act Section 37 (C) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, the petitioner was apprehended with a live cartridge and he was found in inebriated condition. The co-accused Gorelal Chaudhary was also apprehended and from his possession, a country made



pistol was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was not arrested with any firearm and mere recovery of a live cartridge is of no consequence and it is obviously a planted material. The charge sheet has been submitted in this case and the petitioner is in custody since 15.01.2022 and is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted in this case and the petitioner is in custody since 15.01.2022 and is having clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court-1, Nawada, in connection with Hisua P.S. Case No. 23 of 2022 subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on



each and every date fixed by the court
below.

(iii) In case of absence on three consecutive
dates or in violation of the terms of the bail,
the bail bond of the petitioner will be liable
to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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