

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22716 of 2022**

Arising Out of PS. Case No.-1 Year-2022 Thana- RUNISAIDPUR District- Sitamarhi

PRAVIN KUMAR SON OF RAMASHRAY SINGH R/O VILLAGE-
BAGHARI, P.S.- RUNNISAIDPUR, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar Narain Singh, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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

2 22-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

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

The petitioner seeks bail in connection with
Runnisaidpur P.S. Case No. 1 of 2022 registered for the offence
under Sections 25(1-b)a, 26 and 35 of the Arms Act and Section
37(b)(c) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.01.2022.

The allegation against the petitioner is to have in
possession of illegal country made pistol and further alleged that
the petitioner was in drunken condition.



Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged fire arms is from the possession of co-accused, namely, Rajiv Kumar. It is submitted petitioner has been implicated only for the reason that he was also standing besides the said co-accused in drunken condition. It is also submitted that this is not a case of recovery of illicit liquor. It has also been submitted that the petitioner is man of clean antecedent. 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 alleged fire arms is from possession of co-accused and allegation is limited to consume the illicit liquor against the petitioner, as per FIR.

Considering the facts and circumstances as mentioned above, as admittedly this is not a case of recovery of illicit liquor coupled with the fact that fire arms was recovered from possession of the co-accused, let the petitioner, above named, is directed to be released on bail in connection with Runnisaidpur P.S. Case No.1 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Exclusive Special Excise Court No. 1, Sitamarhi/concerned court, subject to the following conditions:

“(i) 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.

(ii) That one of the bailors shall be Ramashray Singh, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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