

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24125 of 2022**

Arising Out of PS. Case No.-44 Year-2022 Thana- BARGAINIA District- Sitamarhi

SUKHARI MAHTO S/o Jokhu Mahto R/o village- Musachak, P.S.-
Bairgania, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra, Advocate

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

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

2 26-08-2022 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 Bairgania
P.S. Case No. 44 of 2022 registered for the offence under
Sections 25(1-b)a, 26/35 of Arms Act and under Section 8/20(b)
(ii)(c) NDPS Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.02.2022.

The allegation against the petitioner is to have in
possession of contraband i.e. charas and fire arms, along with
co-accused persons.



Learned counsel appearing on behalf of the petitioner submitted that admittedly, as per seizure list, the recovery of fire arms and charas were not made from the physical possession of the petitioner. It is submitted that the seizure list only suggest that the mobile was recovered from the possession of the petitioner, which belongs to him. It is also submitted that similarly, situated co-accused person from possession of whom mobile was recovered was granted bail by one of the learned co-ordinate Bench by this Court through Cr. Misc. No. 22807 of 2022 vide order dated 27.07.2022. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that only mobile was recovered from the possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as admittedly, no fire arms and charas were recovered from petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bairgania P.S. Case No. 44 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 Court of Special Judge, Sitamarhi/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

