

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24252 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- GAIGHAT District- Muzaffarpur

DILIP KUMAR Son of Marchhu Mahto Resident of Village - Basantpur
Goss, P.s.- Sakra, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Union of India Govt. of India

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar Singh, Advocate
For the Opposite Party/s : Mr.Mohammad Sufyan, 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 Gaighat
P.S. Case No. 46 of 2022 registered for the offence under
Sections 25(1-B)a, 26, 35 of the Arms Act and under Section 8,
20(b) (ii) (B) of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.01.2022.

The allegation against the petitioner is to have in
possession of fire arms and contraband i.e. Charas along with



other co-accused persons and further also to have in possession of stolen property.

Learned counsel appearing on behalf of the petitioner submitted that seizure list clearly negating the recovery of any fire arms and Charas from the physical possession of the petitioner. It is further submitted that maximum allegation against the petitioner is to provide a place of parking for motorcycle of co-accused Aman Sukla through one Prakash Kumar. It is further submitted that nothing surfaced during the course of investigation which may suggest that the petitioner is aware that the motorcycle is a stolen property. 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 except motorcycle, no fire arms and contraband like “Charas” were recovered from the possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as nothing surfaced during the course of investigation which may suggest that petitioner was aware that motorcycle parked with him is of stolen property, where admittedly no fire



arms and charas were recovered from his possession 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 Gaighat P.S. Case No. 46 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 Sessions Judge-cum-Special Judge, Muzaffarpur/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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