

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28115 of 2022**

Arising Out of PS. Case No.-18 Year-2021 Thana- BAISI District- Purnia

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ARSHAD @ MD. ARSAD SON OF FARUQUEE @ FAROOQUE R/O
VILLAGE- POKHARIA, P.S.- BAISI, DISTRICT- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Advocate
		Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-09-2022 Heard Mr. Vikram Deo Singh, learned counsel for
the petitioner and learned counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Baisi P.S. Case No. 18 of 2021 for the offences under
Sections 399, 400 and 402 of the Indian Penal Code and Section
25(1-B)A, 26 of the Arms Act and Sections 3,4,5 and 6 of the
Explosive Substance Act.

As per the allegation, the police intercepted a
motorcycle driven by the petitioner herein and it is alleged that
upon search from his bag 15 cartridges as also 2 k.g. each in two
polythene of white colour powder was recovered/seized beside a



mobile which according to the police may be explosive substance.

Learned counsel for the petitioner submits that even the FIR and the seizure list does not show about the actual nature of the said white powder inasmuch as there is nothing on record to show that the same was collected and/or some samples sent to any lab for his chemical examination. He lastly submits that one of the pillion rider, namely Md. Siddique has since been released on bail vide order dated 27.01.2022 passed in Cr. Misc. No. 51840 of 2021. He also submits that he being in jail since 14.01.2021 (as stated in paragraph-11 of the bail application). He lastly submits that if granted the privilege of bail he will abide by all the terms and conditions and would diligently appear on each and every date on trial.

Taking into account the aforesaid facts including the fact that petitioner is in custody since 14.01.2021, charge sheet stands submitted and one of the co-accused has since been enlarged on bail, this Court is inclined to grant him the privilege of bail subject to certain conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two



sureties of like amount each to the satisfaction of 5th Additional Sessions Judge, Purnea in connection with S.T. No. 174 of 2021/CIS No. 174 of 2021 arising out of Baisi P.S. Case NO. 18 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight till the conclusion of the trial to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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