

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31441 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- SULTANGANJ District- Bhagalpur

Vikash Raj @ Mahakal Son of Krishna Ballov Sahay @ Krishn Ballov Sahay
Resident of Mohalla-Bari Khanjarpur, Police Station-Barari, District-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-08-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Sultanganj P.S. Case No. 10 of 2022 registered for the offences
under Sections 25(1-B)a, 26 of the Arms Act.

As per the allegation seven country-made pistols
along with cartridges were recovered from the possession of this
petitioner.

The main submissions advanced by the learned
counsel Mr. Dr. Manoj Kumar for the petitioner are that there is
no independent witness of the alleged search and seizure of the
alleged fire-arms, the petitioner has been languishing in jail



since 19.01.2022 and in actual the alleged fire-arms were recovered from a tea shop and thereafter the petitioner was made scapegoat by the police showing the alleged recovery having been made from his possession.

Learned APP Mr. Brajendra Nath Pandey appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the seizure list attached to the FIR. As per the allegation, the petitioner was caught red-handed with fire-arms when the police was conducting vehicle checking campaign while acting on a tip off and from the person of this petitioner, two loaded country-made pistols were recovered and from the search of a bag which was being carried by this petitioner, five country-made pistols along with cartridges were also recovered and the petitioner could not produce the valid documents to justify his possession over the alleged fire-arms at the time of alleged recovery. Considering the nature of the allegations which relate to recovery of the fire-arms, in my view the petitioner does not deserve to the privilege of bail. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J.)

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