

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31866 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- RAJAOLI District- Nawada

Shivnath Prasad Kushwaha son of Sri Mahesh Mahto Resident of Mohalla - Bhootnath Road, Housing colony, Police Station- Agamkuan, District - Patna. permanent Address R/o Village - Ballapur, Police Station- Ghorasahan, District - East Champaran (Motihari).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate.

For the Opposite Party/s : Mrs.Anita Kumari Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 26-08-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Mr. Birendra Kumar, learned counsel for the petitioner and Mrs. Anita Kumari, learned APP for the State are present.

Petitioner seeks regular bail in connection with Rajauli P.S. case no. 76 of 2022 registered for the offences punishable under Sections, 25(1-b)/26 of the Arms Act.

As per allegation 1000 live cartridges and bullets purported to be used in different type of fire arms were recovered from two bags which were alleged to be concerned to the petitioner.

The main submissions advanced by Mr. Birendra Ku-



mar, learned counsel for the petitioner are that as per the allegation made in the FIR two bags containing the alleged cartridges are stated to have been recovered from a bus but the said recovery was not made from conscious possession of the petitioner and any ID card or any other document or any other material of the petitioner was not found from the said bags giving rise a presumption to the said bags being in conscious possession of the petitioner. Further submission is that the petitioner has been languishing in jail since 21.2.2022 having clean antecedent and the alleged recovery of bags containing the alleged fire arms was made from a bus and petitioner has been falsely implicated in this case.

Mrs. Anita Kumari Singh, learned APP has opposed the prayer for bail.

Heard both the sides and perused the FIR and the seizure list. The present case relates to the recovery of 1000 cartridges and the said recovery was made from a bus and the alleged cartridges were kept in two bags and as per FIR the drivers and conductor of the bus identified the present petitioner to be involved in carrying the alleged fire arms. Considering the huge recovery of alleged fire arms, in the opinion of this Court the petitioner does not deserve to the privilege of bail. Accord-



ingly his prayer for bail stands rejected.

The trial Court is directed to expedite the trial of the petitioner and take steps to conclude the same within one year from today if the trial of the petitioner is not concluded within stipulated period then the petitioner may renew his prayer for regular bail before the trial Court and the same will be disposed of without being prejudiced with this order but according to merit.

(Shailendra Singh, J)

siddharthkr/-

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

