

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41416 of 2021**

Arising Out of PS. Case No.-438 Year-2020 Thana- SAHPUR District- Bhojpur

Nikhilesh Kumar Singh @ Nikki Singh@ Nikhilesh Singh S/o Late Manoj Kumar Singh R/o Village- Khajuria, P.S.- Muffasil, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Adv.

Mr. Digvijay Kumar Ojha

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4. 28-02-2022 Heard learned counsel for the parties.

The petitioner seeks bail in Shahpur P.S. Case No. 438 of 2020, registered for the offence under Sections 25(1-b)a/26/35 of the Arms Act.

As per prosecution case, police conducted raid in the house of the petitioner and on search, huge quantity of arms and ammunition have been recovered. It is alleged that this petitioner disclosed that he runs the business of illegal arms for the last two years with his other associates, as named in the F.I.R.

It is submitted on behalf of petitioner that no arms or ammunition has been recovered from the conscious possession of the petitioner and he has been falsely implicated in this case



at the instance of his enemies. Petitioner is in custody since 31.12.2020.

However, learned A.P.P. for the State vehemently opposed the bail petition and submitted that as per seizure list, huge quantity of arms and ammunition have been recovered from the house of the petitioner and petitioner has got criminal antecedent also.

Considering the aforesaid facts and circumstances as well as quantity of recovery of arms and ammunition, the bail petition of petitioner is rejected.

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court on the condition that he will cooperate in disposal of trial and appear before the trial court, as and when required.

(Prabhat Kumar Singh, J.)

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