

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38925 of 2022

Arising Out of PS. Case No.-209 Year-2021 Thana- GOPALPUR District- Bhagalpur

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Bittu Kumar Singh @ Paltu, Son of Binod Singh, R/o Village- Kalindinagar,
P.S.- Gopalpur, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Rajive Ranjan, learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Gopalpur (Rangra) P.S. Case No. 209 of 2021 registered for the offences punishable under Sections 25(1-b)a, 26, 35 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

In course of patrolling duty, the police apprehended the petitioner and one another co-accused. On search a country made pistol and 63 litres of country made liquor was recovered.

Learned counsel appearing on behalf of the petitioner



submits that from the seizure list, it would evident that no incriminating material, much less the arms has been recovered from the person or possession of this petitioner, as the seizure list goes to show that the arms has been recovered from the kitchen of Gautam Kumar Sah. He next submits that co-accused Munilal Mandal, from whose possession cartridge was recovered, has already been granted bail by the learned coordinate Bench of this Court and so far this petitioner is concerned, the petitioner is in custody since 07.06.2021, having fair antecedent.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the materials available on record, specially the seizure list, which shows recovery of arms has been made from the kitchen of Gautam Kumar Sah and petitioner, having fair antecedent, is in custody since 07.06.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act-I, Bhagalpur in connection with Gopalpur (Rangra) P.S. Case No. 209 of 2021,



subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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