

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48219 of 2021**

Arising Out of PS. Case No.-159 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

SANTOSH SAH S/o LATE RAGHUNATH SAH R/o VILLAGE-CHAKIYA,
P.S-CHAKIYA, DISTRICT-EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh, Advocate.

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 23-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with Ahiyapur P.S. Case No. 159 of 2021 for the offence punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act and Section 30(c) of the Bihar Prohibition and Excise Act.

The allegation against the petitioner is that one country made pistol, one live cartridge, one old iron made pistol, 500 grams of Marijuana kept in a plastic bag, a pouch sealing machine and several illicit articles were recovered from the rented house of the petitioner. Altogether four accused



persons were named in the F.I.R. Accordingly, seizure list was prepared and handed over to co-accused Sandip Kumar Chaudhary.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has committed no offence as alleged. He has been falsely implicated in this case merely on suspicion. Neither the petitioner was apprehended at the spot nor any incriminating article was recovered from his conscious possession. He is in custody since 02.06.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur in connection with Ahiyapur P.S. Case No. 159 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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