

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58731 of 2021

Arising Out of PS. Case No.-64 Year-2021 Thana- RAJPUR District- Buxar

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1. AMIT KUMAR SINGH Son of Vijay Kamkar @ Vijay Chandravanshi Resident of village - Puraini Kala, P.S.- Rajpur, District - Buxar.
 2. Sumit Kumar Son of Vijay Kamkar @ Vijay Chandravanshi Resident of village - Puraini Kala, P.S.- Rajpur, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-05-2022 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek regular bail in connection with Rajpur Police Station Case No. 64 of 2021 registered under Sections 25 (1-b)a/26/35 of the Arms Act and Section 30 (d) of the Bihar Prohibition & Excise (Amendment) Act, 2018.

The prosecution case, as per the First Information Report, is that on the basis of secret information, a raid was conducted by the police and one pistol along with one live cartridge was recovered from the Puja Ghar of the house of co-accused Vijay Kumar and empty liquor bottles, 16 liquor cartoons and a bottle containing liquid and one country-made



pistol, along with two live cartridges, were recovered from the house of co-accused Ajay Kamkar. It is alleged that the present petitioners were arrested from the house of co-accused Ajay Kamkar.

Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated by the police with oblique motive. He next submits that no incriminating material and/or illicit liquor has been recovered from the possession of the petitioners and/or premises belonging to them. He further submits that co-accused Vijay Kumar Singh has been granted bail by this Court vide order, dated 27.04.2022, passed in Criminal Misc. No. 57820 of 2021 and similarly situated co-accused persons, namely, Aniket kumar and Nitesh Kumar, have been granted bail by co-ordinate Bench of this Court vide order, dated 03.11.2021, passed in Criminal Misc. No. 44673 of 2021. He further submits that the petitioner is in custody since 23.03.2021, having no criminal antecedent and charge sheet has already been submitted against them and as such there is no likelihood that the petitioners will abscond and/or tamper with the evidence.

Regard being had to the submissions made by the



parties, taking into consideration the material on record and the fact that similarly situated co-accused persons have been granted bail by this Court, the petitioner is in custody since 23.03.2021, having no criminal antecedent and charge sheet has already been submitted against them, I am inclined to grant regular bail to the petitioners.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000 /- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge Excise, Buxar in connection with Rajpur Police Station Case No. 64 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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