

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48576 of 2022

Arising Out of PS. Case No.-944 Year-2019 Thana- AGAMKUAN District- Patna

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Gaurav Kumar S/O Sri Om Prakash Yadav Resident of Mohalla- Naya Tola,
Dabar Gali, Kumharar, P.S.- Agamkuan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of

four weeks from today.

The petitioner seeks bail in connection with

Agamkuan P.S. Case No. 944 of 2019 registered for the offence

under Sections 20, 22 and 24 of N.D.P.S. Act and 25(1-

b)A/26/35 of Arms Act and 30(a) (b), 38 and 41 of the Bihar

Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in

custody since 17.05.2022.

The allegation against the petitioner is to have in

possession of 18.750 litres of country made illicit liquor, 300

grams ‘Ganja’, six live cartridges, one empty cartridge, four



country made pistol and unexplained cash of Rs. 12,81,000/-.

Learned counsel appearing on behalf of the petitioner submitted that recovery was made from the house of petitioner on the basis of secret input. It is further submitted as seizure list not reflecting signature of petitioner, which clearly suggest that the petitioner was not available at the time of occurrence. It is also submitted that petitioner was in Gurgaon/Haryana, on the date of occurrence/recovery, in connection with his employment. It is also submitted that recovery of alleged firearm and '*Ganja*' along with liquor were made from jointly occupied house and as such it cannot be said that same was recovered from conscious physical possession of this petitioner. While concluding the argument, it has been submitted that the co-accused having more serious allegation, namely, Om Prakash Yadav enlarged on bail through Cr. Misc. Case No. 26601 of 2021 dated 26.11.2021. While concluding the argument, it is submitted that investigation of this case has been completed, for which charge-sheet has been submitted, and as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged recovery not appears from conscious physical



possession of this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Agamkuan P.S. Case No. 944 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Spl. Judge, Excise, Patna city/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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