

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64629 of 2021**

Arising Out of PS. Case No.-393 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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TAUFIK ALAM @ TAUSIF ALAM @ CHANDU S/O MD. MUSTAK
ALAM R/o Mohalla- Kishunbag, P.S.- Bettiah Town (Kalibag O.P.), District-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Zainul Abedin

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 15-04-2022 Today being Friday, matters are being taken up through
virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and learned APP
for the State.

This Court would expect that the petitioner's counsel
would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Bettiah Town P.S.
Case No. 393 of 2021 registered under Sections 414/34 of the
Indian Penal Code and Section 25(1-B)a/26/35 of the Arms Act.

FIR alleges assembly of some persons for dealing in arms
and ammunition. Based on such information, police have



reached the place from where the petitioner along with two others has been arrested.

The learned counsel for the petitioner submits that even as per prosecution case, only two live cartridges have been recovered from the petitioner's possession. Further submission is that the said allegation is false, petitioner was a bona fide passersby and has become the victim of the circumstances. He has no criminal antecedents. There is no compliance with the requisite procedure under Section 100 Cr.P.C. and no arms has been recovered from the petitioner, even as per prosecution case. He is stated to be in custody since 29.06.2021.

Learned APP has opposed the prayer for bail.

Considering the fact that only two live cartridges have allegedly been recovered from the petitioner, the nature of his defence raised for the purpose of grant of bail, period of custody and his clean antecedent, this Court is inclined to allow the prayer for bail.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in Bettiah Town P.S. Case No. 393 of 2021, subject to the following



conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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