

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59837 of 2022

Arising Out of PS. Case No.-150 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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Nishant Kumar Son of Shekhar Yadav @ Chandra Shekhar Yadav Resident of
Village- Hiratol, P.O.- Rahimpur, P.S.- Sahebpur Kamal, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Sandip Kumar Gautam, Advocate
For the State	:	Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Sahebpur
Kamal P.S. Case No.150 of 2022 registered for the offence
under Sections 272, 273 and 34 of Indian Penal Code, Sections
30(a) and 30(d) of the Bihar Prohibition and Excise Act, 2018
and Sections 25(1-b)a, 26 and 35 of Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.06.2022.

The allegation against the petitioner is to be involved
in manufacturing activities of illicit country made liquor, where,
there was recovery of 5 liters, with further allegation to have in



possession of one country made pistol alongwith two live cartridges.

Learned counsel appearing on behalf of the petitioner submitted that recovery of one country made pistol alongwith two live cartridges does not appears to be made from the conscious physical possession of the petitioner, as per seizure list. It is further submitted that seizure list appears doubtful, being not supported by independent witnesses rather by police personnel. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

Considering the facts and circumstances as mentioned above, as seizure list, regarding recovery of fire arms, appears doubtful being not supported by independent witnesses, where petitioner is in custody since 07.06.2022, coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sahebpur Kamal P.S. Case No.150 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned
Exclusive Special Excise Judge-II, Begusarai/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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