

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62198 of 2022

Arising Out of PS. Case No.-160 Year-2021 Thana- NAWADA MUFFASIL District- Nawada

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Shashi Kumar S/O Jagdeo Yadav R/O Panshala, P.S- Muffasil, District-
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate
For the State : Mr. Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State

through virtual Court proceedings.

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

of four weeks from today.

The petitioner seeks bail in connection with Muffasil

P.S. Case No. 160 of 2021 registered for the offence under

Section 25(1-a)(1-b) of the Arms Act and Section 30(a) of the

Bihar Prohibition and Excise Act.

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



custody since 16.08.2022.

The allegation against the petitioner is to be involved in fight with another group, alongwith other co-accused persons, where one country made rifle, one cartridge and 750 ml of illicit liquor were recovered.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor alongwith fire arm and cartridge not appears to be made from the conscious physical possession of the petitioner. It is submitted that compliance of Section 100(4) of the Cr.P.C. was not made in the present case. It is further submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnel.

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

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor alongwith fire arm and cartridge not appears to be made from conscious physical possession of the petitioner, in the background of disputed seizure list, let the petitioner, above named, is directed to be released on bail in connection with Muffasil P.S. Case No. 160 of 2021 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-I, Nawada/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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