

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.863 of 2022

Arising Out of PS. Case No.-249 Year-2021 Thana- BARAULI District- Gopalganj

UJJWAL KUMAR Son of Akhileshwar Rai Resident of Village - Sher
Sheriya, P.O. - Sher, P.S. - Sidhwaliya, District - Gopalgang, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikash Kumar Pankaj
For the Opposite Party/s	:	Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code read with Sections 25 (1-b) A, 26 and 35 of the Arms Act and Sections 20, 22, 25 and 29 of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 30.08.2021, charge-sheet has been submitted and is a person with clean antecedent.

The allegation is of recovery of one loaded country made pistol with one live cartridge and 250 grams of Charas from the petitioner.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would



manifest that altogether six accused persons were apprehended by the police and out of six accused persons allegation against four accused persons including the petitioner is not only similar but identical in nature i.e., recovery of one loaded country made pistol alongwith one live cartridge and 250 grams of Charas in yellow plastic.

Learned counsel for the petitioner submits that it absolutely does not stand to reason that how the four of the accused persons were carrying the same quantity of Charas as alleged in the F.I.R. and a loaded country made pistol alongwith one live cartridge. It is next submitted that the petitioner was a person with clean antecedent before the institution of the present case but after the institution of the present case, he came to be implicated in four more cases which were against unknown, that too with an intention just to create antecedents of the petitioner. It is also submitted that the charge-sheet came to be submitted in the absence of FSL report.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that allegation is of recovery of one loaded country made pistol alongwith a live cartridge and 250 grams of Charas which is more than small quantity but less than commercial quantity.



Considering the submissions made by learned APP for the State, the Court, for the present, is not inclined to grant bail to the petitioner.

Hence, the prayer for regular bail of the petitioner is rejected.

(Satyavrat Verma, J)

Ankit/-

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