

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3006 of 2023

Arising Out of PS. Case No.-250 Year-2022 Thana- GURUA District- Gaya

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ASLAM MIYAN @ MD. ASLAM Son of Mohiuddin Mian @ Mohiuddin @
Md. Mohiuddin Resident of Vill.- Dubbi, P.S.- Gurua, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Murad Ashraf, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-06-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with Gurua
P.S. Case No. 250 of 2022 registered for the offence under
Sections 30(d) of Bihar Prohibition and Excise Amendment Act
and Section 25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 13.11.2022

The allegation against the petitioner is to have in
possession of 20 quintal of *Mahua* flower and also have in
possession of two country made pistols along with 05 live
cartridges.



Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated falsely in this case, as he being cousin brother of owner of the house was in possession of the key at the time of recovery. It is submitted that alleged recovery was not made from conscious physical possession of the petitioner and moreover, compliance of Section 100(4) of the Cr.P.C not appears to be made in the present case. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned above, as alleged Mahua flower and firearms not appears to be recovered from conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, where, petitioner is in custody since 13.11.2022, let the petitioner, above named, is directed to be released on bail in connection with Gurua P.S. Case No. 250 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 Court No.2, Gaya/concerned court,
subject to the condition as mentioned under Section 437(3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

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