

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5822 of 2023

Arising Out of PS. Case No.-831 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. SUJIT KUMAR Son of Upendra Sah @ Mahendra Sah R/V- Hanumangadhi
Sareya P.S- Gopalganj, Dist- Gopalganj
 2. Mukesh Kumar Son of Baban Prasad R/V- Hanumangadhi Sareya P.S-
Gopalganj, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey
For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for regular bail in a case
instituted for the offence under Section 30(a), 41(i) of the Bihar
Prohibition and Excise Act and Section 25(1-b)a, 26 and 35 of
the Arms Act.

As per prosecution case, on receiving secret
information that two youth having pistol were standing at Kali
Sthan road in suspected condition. The police party reached at



that place and on search, there has been recovery of one country-made pistol from the waist of petitioner no. 1 and one empty cartridge, two bottle foreign liquor containing 360 ml from the petitioner no. 2 and one motorcycle has also recovered.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. Petitioners have apprehended on spot. He has committed no offence. The petitioners have no concern with the seized articles/liquor. He submitted that seized articles do not belong to the petitioners. The provision of Section 100 of the Cr.P.C. has not followed in this case, while preparing the seizure list. Petitioners have got no criminal antecedent as stated in para-3 of the bail petition. They are languishing in judicial custody since 10.10.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as the period of custody, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount



each to the satisfaction of the learned Additional District and Sessions Judge-II-cum-Spl. Judge Excise, Gopalganj in connection with Gopalganj Town P.S. Case No. 831 of 2022.

(Sunil Kumar Panwar, J)

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