

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29173 of 2023

Arising Out of PS. Case No.-173 Year-2023 Thana- DIGHA District- Patna

=====

DHIRAJ KUMAR S/O KAMESHWER RAI R/O Azad Nagar, Amrudi
Bagicha, P.S- Digha, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Raghaw Kumar, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with Special
Case No. 2537 arising out of Digha P.S. Case No. 173 of 2023
registered for the offence under Section 37 of the Bihar
Prohibition and Excise Act and Section 25(1-b)a, 26, 35 of Arms
Act.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 08.03.2023.

5. The allegation against the petitioner is to have in
possession of one pistol and two live cartridges while he was in
drunken condition.



6. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of firearms not appears to be made from conscious physical possession of this petitioner. It is further submitted that the allegation is limited with consumption of liquor and there is no recovery of illicit liquor from the possession of this petitioner. Learned counsel further pointed out that seizure list is appearing doubtful being not supported by independent witnesses rather by police personnels despite availability of so many public at the place of recovery. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as seizure list is not supported by independent witnesses, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 08.03.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Special Case No. 2537 arising out of Digha P.S. Case No. 173 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of
learned Special Judge, Excise Patna/concerned Court, subject to
the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

veena/-

U		T	
---	--	---	--

