

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30876 of 2023

Arising Out of PS. Case No.-66 Year-2023 Thana- KADWA District- Katihar

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1. Dilip Kumar Poddar, S/o- Late Vijay Poddar R/o- Gorfar P.S.- Dandkhora Dist- Katihar
 2. Sajjan Kumar, son of Shrawan Rai R/o- Gorfar P.S.- Dandkhora Dist- Katihar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-07-2023 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners seek bail in connection with Kadwa P.S. Case No.66 of 2023 registered for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act of the Arms Act and Section 37 of Bihar Prohibition and Excise Act, 2018.

The accused/petitioners named in the FIR and are in custody since 31.03.2023.

The allegation against petitioners is to found in possession of one firearm i.e. one live cartridge from both the petitioners and they were also alleged to be found in drunken condition.

It is submitted by learned counsel that the alleged



recovery of cartridge appears to be planted by police as to make the allegation more aggravated. It is submitted that the recovery of alleged cartridge also not appears to be made from conscious physical possession of petitioners and moreover the allegation is limited to be found in drunken condition only without having any possession of illicit liquor. While concluding argument, it is submitted that the petitioners are men of clean antecedent and moreover investigation of this case is completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for grant of bail to the petitioners.

In view of above-mentioned facts and circumstances and by taking note of accusation, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 31.03.2023, accordingly, the petitioners, above-named, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge Exclusive Special Excise Court No.2, Katihar in connection with Kadwa P.S. Case No.66 of 2023, subject to the conditions as laid down under Section



437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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