

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33609 of 2023**

Arising Out of PS. Case No.-35 Year-2023 Thana- KASIMBAZAR District- Munger

JITENDRA GUPTA SON OF LATE VIDESHI TANTI R/O Village-
Mahaddipur, P.S- Kasim Bazar, District-Munger

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 26-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 25(1-b)a, 26(i)(ii)(iii), 35 of the Arms Act.

As per FIR, persecution case relates to recovery of 110 live cartridges along with cash of Rs. 7,000/- from the house of the petitioner and he is alleged to have indulged in business of trading illegal arms.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The place of recovery is joint possession of house and this petitioner has no concern with the alleged cartridges which were seized by the police. It is



further submitted that the seizure list witness are police officials not a single independent witness which violates section 100 of Cr.P.C. Moreover, nothing incriminating has been recovered from conscious possession of the petitioner and he is languishing in judicial custody since 14.2.2023.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kasim Bazar P.S. Case No. 35 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Munger.

(Sunil Kumar Panwar, J)

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