

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.34552 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- BIRAUL District- Darbhanga

MD. NAJME ALAM @ NAJME ALAM @ MD. NAJRE ALAM Son of
Jahangeer @ Md. Jhangir Resident of Village - Balia, P.S.- Biraul, District -
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad
For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of regular bail, arises out of
Biraul Town Police Station Case No. 23 of 2023, dated
18.01.2023, disclosing offences under Section 414 of the Indian
Penal Code and 25(1-a)/26/35 of Arms Act.

The prosecution case, on the basis of First
Information Report, is that police party, while on patrolling
duty, apprehended one person on suspicion and recovered one
pistol along with seven live cartridges from the possession of
the petitioner.

Learned counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and at the time of seizure of fire-arm the procedure prescribed for search and seizure has not been followed by the police. He next submits that the petitioner is in custody since 18.01.2023 i.e. more than six months, charge-sheet has already been submitted and there is no likelihood that the petitioner will abscond and/or temper with the evidence, if released on bail.

Regards being had to the submissions made by the parties and taking into consideration the fact that charge-sheet has already been submitted and the petitioner is in custody since 18.01.2023 i.e. more than six months, accordingly, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Additional Chief Judicial Magistrate 1st Class, Biraul (Darbhanga) in connection with Biraul Town Police Station Case No. 23 of 2023.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to



appear before the Court on two consecutive occasions, his bail
bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

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