

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41383 of 2022**

Arising Out of PS. Case No.-81 Year-2022 Thana- MOUZA HIDPUR District- Bhagalpur

ASHISH KUMAR GUPTA S/o Ram Kumar Gupta Resident of Ambe Road,
Hussainabad, P.S.- Babarganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Krishna, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

10 19-07-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Mujahidpur (Babarganj) P.S. Case No. 81 of 2022 registered
for the offence under Sections 3, 4, and 5 of the Explosive
Substance Act, 1908.

The petitioner is alleged to have been apprehended
by the police and on search of his house, the police found 37
Kg. Barud kept in Tin box and on which mepco aluminum
powder written for which no reasonable explanation or
document was produced by the petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been



implicated in this case on the basis of disclosure made by the co-accused, Navin Mandal. He further submits that there is non-compliance of Section 100 Cr.P.C and the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 10.03.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the FSL report confirms that recovered article contains Aluminum grey powder which is to be an explosive mixture of Aluminum, Sulphur, Carbon and Potassium Nitrate and they are being commonly used in preparing fireworks and preparing home made bomb. Apart from that, it is contended that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case and period of custody, let the, above named, petitioner 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 Chief Judicial Magistrate, Bhagalpur in connection with Mujahidpur (Babarganj) P.S. Case No. 81 of



2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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