

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41787 of 2023

Arising Out of PS. Case No.-129 Year-2023 Thana- TARAIYA District- Saran

Mithilesh Kumar S/O Hari Rai R/O Village- Chanchaliya, Ps. Taraiya, Dist. Saran At Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 24-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case instituted for the offence under Sections 25(1-b)a and 26 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, on receiving a secret information that the petitioner kept illegal weapon and liquor in his house, thereafter the police personnel reached at that place. On search, there has been recovery of one country-made pistol and one live cartridge beneath the petitioner's mattress and 30 liters of country-made liquor from outside the house of the petitioner.

4. It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case. He has committed no offence. On the basis of suspicion, petitioner has been implicated in the present case. The petitioner has no concern with the alleged arms, cartridges and liquor, which were seized by the police. No incriminating article has been recovered from the conscious possession of the petitioner. The provision of Section 100 of the Cr.P.C. has not followed in this case. He is languishing in judicial custody since 04.05.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as the period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Taraiya P.S. Case No. 129 of 2023.

(Sunil Kumar Panwar, J)

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