

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48072 of 2023

Arising Out of PS. Case No.-273 Year-2023 Thana- MADHEPURA District- Madhepura

Anshu Raj, Son of Kailash Yadav, Resident of village - Khopaiti Ward No.-
11, P.S.- Madhepura, District - Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-08-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Madhepura P.S. Case No.273 of 2023 registered for the offences punishable under Sections 399, 402 of the Indian Penal Code, Sections 25(1-B)a, 26 and 35 of the Arms Act and 8, 20(b)(ii)(a) of the Narcotic Drugs and Psychotropic Substances Act as well section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the FIR and is in custody since 17.03.2023.

4. As per FIR, one country-made pistol, 510 gms of contraband i.e., *ganja* and 5 liters of illicit liquor alleged to be recovered from the house of the petitioner.

5. It is submitted by learned counsel that firearm,



contraband and liquor appears to be recovered from joint house of the petitioner where petitioner is a younger member of the family. It is submitted that as house is accessible by all family members, it can safely be said that recovery was not made from conscious physical possession of this petitioner. Learned counsel further submitted that recovered quantity of contraband is less than the commercial quantity for which the maximum punishment is extendable upto one year. While concluding argument, it is submitted that 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.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances, as alleged firearm, contraband and liquor not appears to be recovered from conscious physical possession of this petitioner rather from jointly occupied house, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 17.03.2023, accordingly, the petitioner, above-named, is directed to be released on bail 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-V-cum-Special Judge, Excise Act-1st, Madhepura in connection with Madhepura P.S. Case No.273 of 2023, subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall not indulge in similar nature of criminal case till the conclusion of trial, failing which the Trial Court shall be at liberty to cancel the bail bond of the petitioner if pressed by the State.

(ii) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Manoj Kumar Bharti, who is the maternal uncle of the petitioner and deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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