

Arising Out of PS. Case No.-180 Year-2023 Thana- ALOULI District- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

For the Petitioner/s : Dr. Ramakant Akela, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with Alauli P.S. Case No.180 of 2023 registered for the offence under Sections 25(1-B)a, 26, 27 and 35 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 02.05.2023.

4. The allegation against the petitioner is to have in possession of Fruity wine (quantity not specified) and also in possession of one (01) loaded country made pistol along with nine (09) live cartridges as well as one (01) empty



cartridge.

5. Learned counsel appearing on behalf of the petitioner submitted that out of family dispute, on the instance of opposite party/police, implicated this petitioner, with present case. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that petitioner found involved in 01 more criminal case, where, he is on bail and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as seizure list appears doubtful being not supported by independent witnesses, rather by police personnels coupled with the fact that charge-sheet has submitted, where, petitioner is in custody since 02.05.2023, let the petitioner, above named, is directed to be released on bail in connection with Alauli P.S. Case No.180 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Exclusive Special Excise Judge-1st,
Khagaria/concerned court, subject to the condition as mentioned
under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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