

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 48874 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- NAWANAGAR District- Buxar

Mukesh Singh @ Mukesh Kumar Son Of Awadhesh Singh @ Ram Awadhesh
Singh Resident Of Village - Nawadih, P.S. - Koransarai, Distt. - Buxar.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with
Nawanagar P.S. Case No. 143 of 2023 registered for the offence
under Sections 25(1-b)a, 26 and 35 of the Arms Act read with
Section 30(a) and 37(2) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 09.05.2023.

5. The allegation against the petitioner is to have in
possession of one loaded country made pistol whereas other co-
accused persons were alleged to be found in drunken condition



alongwith 180 ml. of illicit liquor while returning after attending marriage party.

6. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of loaded country made pistol was not appears to be made from the conscious physical possession of this petitioner. It is submitted that there is no recovery of illicit liquor from the possession of this petitioner. It is further pointed out that out of recovery of illicit liquor from co-accused persons, who were friends of this petitioner, he was also implicated with possession of illegal arms. While concluding the argument, it is submitted that petitioner found involved in two more criminal cases, where he is acquitted in one case and is on bail in another case and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of nature of allegation, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 09.05.2023, accordingly, petitioner above named, is directed to be released on bail in



connection with Nawanagar P.S. Case No. 143 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 Special Excise Court No. 2, Buxar/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate 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 deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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