

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62053 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- SHAMBHUGANJ District- Banka

Md. Afroz Son Of Md. Shah Alam Resident Of Village- Hazratganj, Gali No.
7, Ps- Kasim Bazar, Distt- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 25(1-b), 25(1-AA), 25(1-A), 26(i)(2) and 35 of the Arms Act.

As per prosecution case, the petitioner along with co-accused persons was apprehended on the spot and from the warehouse of co-accused, namely, Dinesh Sah one country made pistol, 11 semi-made country made pistols, two magazines, nine live cartridges, semi finished barrel and several other articles were recovered. It is further alleged that the petitioner in connivance with co-accused persons used to make and sell illegal arms.

Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to high handedness of the police. The petitioner has no concern with the alleged recovery and place of recovery not belongs to him. Similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court vide order dated 23.08.2023 passed in Cr. Misc. No. 54046 of 2023. It is further submitted that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 05.04.2023.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Shambuganj P.S. Case No. 94 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court.

(Sunil Kumar Panwar, J)

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