

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64122 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- KARTAHA District- Vaishali

Mohd. Kamaluddin @MD. Kamaluddin Son Of Late Md.Noor Mohammad
Resident Of Village- Chakhasim, Ps- Muffasil, Distt- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the State : Ms. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kartaha P.S. Case No.27 of 2023, lodged on 24.05.2023 under
Sections 25(1-A), 25(1-AA), 25(1-B)a/26(i)(ii)(iii),35 of the
Arms Act.

3. As per the prosecution case, the FIR has been
lodged against 8 named accused persons including the petitioner
alleging therein that they indulged in running of an illegal arms
factory and used to manufacture illegal arms in the said factory.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The



petitioner is a poor labour and nothing has been recovered from his conscious possession. The antecedent of the petitioner is clean and he is in custody since 25.05.2023. The other similarly situated co-accused persons have been granted regular bail by a co-ordinate Bench of this Court vide order dated 10.10.2023 passed in Criminal Miscellaneous No. 63395 of 2023.

5. Learned counsel for the State vehemently opposes the prayer for bail and submits that the case diary is required in this case to identify the role of individual accused persons. He further submits that in the seizure list memo, 34 sets of items have been recovered and all the items suggest that admittedly the manufacturing work of illegal arms was going on.

6. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.

7. Accordingly, the prayer for regular bail of the petitioner in connection with Kartaha P.S. Case No.27 of 2023, pending before the learned CJM, Vaishali at Hajipur, is hereby rejected.

8. However, the trial Court is directed to release the petitioner on bail by imposing its own condition so that the petitioner may not evade appearance during the trial if he renews his prayer for bail after framing of charge.



9. With this observation, the bail application stands disposed of.

(Dr. Anshuman, J)

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