

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64747 of 2022

Arising Out of PS. Case No.-576 Year-2022 Thana- AGAMKUAN District- Patna

=====

Anjani Singh @ Pappu @ Sanjay S/O Ramadhar Singh R/O Village-
Sahdulhpur, P.S- Bidupur, District- Vaishali At Present Resident of Renter Of
A.K Jha039s House, Near Mahima Mandir Palam Bhiyu Hospital, P.S-
Rupaspur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, App, 84

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-02-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Agamkuan
P.S. Case No. 576 of 2022 registered for the offence under
Sections 420, 467, 468, 471, 399, 401, 402, and 414 of I.P.C.
and Section 30(a) of the Bihar Prohibition and Excise Act,
25(1-b)a/26/35 of the Arms Act and 20 & 22 of the NDPS Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 08.08.2022.

The allegation against the petitioner is to involve in
preparation of dacoity alongwith other co-accused persons and
while doing so found in possession of one country made pistol



loaded with one live cartridge, nine bottles of illicit liquor and 5.20 Kg of *Ganja*/contraband.

Learned counsel appearing on behalf of the petitioner submitted that merely on the basis of suspicion, as petitioner found in possession of one country made pistol, the name of petitioner involved in present case. It is also submitted that illicit liquor and *Ganja* were recovered from the *dicky* of the vehicle, which was not under the knowledge of petitioner and as such, it cannot be said that alleged recovery was made from conscious physical possession of this petitioner. It is also submitted that petitioner involved in two more criminal cases, where he is on bail. It is also submitted that the seizure list also appears doubtful being not supported by independent witnesses, rather by police personnels, where recovered contraband is less than commercial quantity, as such compliance of Section 37 of N.D.P.S. Act is not applicable in present case. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail fairly conceded the fact that seizure list is supported by police



personnels.

Considering the facts and circumstances as mentioned above, by taking note of the fact that seizure list is not supported by independent witnesses, rather by police personnels coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Agamkuan P.S. Case No. 576 of 2022 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 Judge Excise, Patna City at Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

U		T	
---	--	---	--

