

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.746 of 2023

Arising Out of PS. Case No.-149 Year-2022 Thana- KOTWALI District- Munger

PRATAP KUMAR SHARMA Son of Late Munilal Sharma Resident of
Mohalla - Maksuspur, P.S.- Kasim Bazar, District - Munger, Presently resides
Hindustan Enclave Sonarpur Kolkatta.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vindhya Keshari Kumar, Sr. Adv. Mr. Ravi Shankar Pathak, Adv.
For the Opposite Party/s	:	Mr.Dr. Ajeet Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-04-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 25(1-A), 26(1-B)A,
26(i)(ii), 30 and 35 of the Arms Act.

Allegedly, petitioner, along with his brothers, is said to
have run illegal arms factory.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No
such occurrence as alleged ever took place. He has been falsely
implicated in this case. The allegation levelled against the
petitioner is not specific rather general and omnibus in nature.
Nothing has been recovered either from the physical possession
of the petitioner or from his house. Petitioner has no concern
either with the seized articles or the place of recovery or any



illegal trade. Due to family dispute, petitioner was ousted from the partnership business. He has been residing separately at Calcutta. The alleged sections are not applicable against the petitioners. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the co-accused. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail and submitted that on perusal of the case diary, it is clear that petitioner is also involved in the alleged illegal business.

Considering the facts and circumstances of the case as well as the nature of the offence, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order in accordance with law without being prejudiced by this order considering the fact that no any incriminating article has been recovered either from the physical possession of the petitioner or from his house.

(Anjani Kumar Sharan, J)

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