

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10845 of 2024

Arising Out of PS. Case No.-799 Year-2023 Thana- HILSA District- Nalanda

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Amar Kumar @ Chotu Son of Ramesh Mistri resident of village gulni ps
Hilsa, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with Hilsa
P.S. Case No. 799 of 2023 instituted for the offences under
Section 37 of the Bihar Prohibition and Excise Amendment
Act, 2022 and Section 25(1-B)a, 26 and 35 of the Arms Act.

3. As per prosecution case, the police, on receipt of
secret information, reached at the place of occurrence. On
seeing the police-party, one person of the crowd started for
flee away from there but, was apprehended by the police.
On query, he disclosed his name as Amar Kumar @ Chotu.
On search, one magazine of country made pistol containing



three live cartridges was recovered. His mouth was smelling like liquor. From examination of the mouth by breathalyzers, consumption of 168.5/100 ml. was confirmed.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case and submits that the petitioner has been made victim of circumstances. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and the breath analyzed report is a false report. The petitioner has one criminal antecedent in which he is on bail. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 10.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Hilsa P.S. Case No. 799 of 2023.

(Rudra Prakash Mishra, J)

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