

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28507 of 2024

Arising Out of PS. Case No.-44 Year-2024 Thana- GAIGHAT District- Muzaffarpur

Baijnath Ray @ Nanki @ Baidhnath Yadav, Male, Aged about 53 years, S/o Late Hitai Rai R/o village- Jaganiya, P.S.- Gaighat (Behind O.P.), District- Muzaffarpur, Bihar. Also at Ranka Tol, Post - Therma, P.S. - Gaighat, Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 16-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Gaighat P.S. Case No. 44 of 2024 instituted for the offences punishable under Sections 25(1-B)A, 26 and 35 of the Arms Act and Sections 30(a), 36 and 41(1) of the Bihar Prohibition and Excise Amendment Act.

3. As per the prosecution case, petitioner along with co-accused Karan Kumar apprehended on the spot with two vehicles truck and Pick-up. On search, from possession of petitioner, one country made loaded pistol, two live cartridges and a mobile phone were recovered and from the said two



vehicles, total 2661.12 liters of illicit foreign liquor was recovered.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has no concern with the alleged recovered liquor and arms. He is not the owner of alleged vehicles. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. Petitioner is languishing in judicial custody since 18.02.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. From perusal of the F.I.R., seizure list and impugned order dated 21.02.2024, it appears that on the basis of written report of Police Sub-Inspector Pankaj Kumar Shaw F.I.R. registered against five accused persons including the present petitioner. It also appears that petitioner was apprehended on the spot along with one co-accused and two vehicles. One country made loaded pistol and two live cartridges were recovered from the conscious possession of the petitioner and from the said two vehicles, huge quantity of liquor was also recovered. The petitioner has also one criminal antecedent.



7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

9. However, learned trial Court is directed to conclude the trial within six months from the date of receipt of the order and if not concluded, appellant may renew his prayer of bail before the trial Court.

(Ramesh Chand Malviya, J)

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