

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26151 of 2024

Arising Out of PS. Case No.-180 Year-2023 Thana- PHULWARIA District- Begusarai

Shivam Kumar @Shibham Kumar, Male, Aged about 19 years, Son Of Late Kanhaiya Singh, Resident Of Village - Purwari Tola, Ward No. 9, Teghra Ps- Teghra, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 15-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Phulwaria P.S. Case No 180 of 2023 instituted for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, during course of vehicle checking four accused persons including the petitioner were arrested with a Maruti Alto Car and on search, one loaded country made pistol along with one live cartridge and a smart phone were recovered from the possession the petitioner whereas from the other co-accused persons, two live cartridges, mobile phones and liquor were recovered.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has no concerned with alleged recovered liquor. 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 06.12.2023.

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 08.02.2024, it appears that on the basis of written report of informant Upendra Singh, F.I.R. registered against four accused persons including the petitioner. The specific allegation against the petitioner is that one country made loaded pistol along with one live cartridge were recovered from his conscious possession. It also appears that total 13 cases of similar nature are pending against the petitioner.

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

(Ramesh Chand Malviya, J)

lata/-

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

