

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28625 of 2024

Arising Out of PS. Case No.-247 Year-2022 Thana- SHAHKUND District- Bhagalpur

Md. Azad S/o Md. Kamruddin @ Funnu R/o Village Mirjapur Berdah PS
Muffasil District Mujger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 25(1) (1-AA)/25[(1-(1-b)C], 26, 28 and 35 of the Arms Act.

3. As per allegation in the F.I.R., it is a case of recovery of huge quantity of arms and ammunition, mobile phones and tools for using in manufacturing the arms from the house of the co-accused Ekram and he was apprehended on spot and disclosed the names of the other accused persons including the petitioner as of his associates.

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 due to local politics. Neither the petitioner was apprehended on the spot nor any incriminating article has been recovered from his conscious possession. The name of the



petitioner has been transpired in this case on the basis of confessional statement of apprehended co-accused Md. Ekram from whose possession the incriminating weapons were recovered. There is no independent witness of seizure list. The petitioner has got no criminal antecedent as stated in para 3 of the bail petition. Other co-accused namely Md. Ekram has already been granted bail by this Bench vide order dated 26.06.2023 passed in Cr. Misc. No. 17414 of 2023. Moreover, the petitioner is languishing in judicial custody since 28.02.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Shahkund (Sajour) P.S. Case No. 247 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st, Bhagalpur.

(Sunil Kumar Panwar, J)

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