

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44525 of 2024**

Arising Out of PS. Case No.-267 Year-2023 Thana- JADIA District- Supaul

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1. Nehal Alam @ Md Nehal Ahmad @ Md Nehal @ Nehal Ahmad Son Of Md Shamshe Alam @ Shamsh Alam @ Shamse Alam Village- Mahrampur, Ward No. 15, P.S.- Jadiya, Distt.- Supaul
  2. Mahboob Alam @ Mishri Alam Son Of Md Shamshe Alam @ Shamsh Alam @ Shamse Alam Village- Mahrampur, Ward No. 15, P.S.- Jadiya, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Md Ziaul Quamar, Advocate  
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

2      02-08-2024                      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners submits that the petitioner no. 1 has been arrested. Accordingly, he seeks permission to withdraw the present application.

3. Permission is accorded.

4. Accordingly, the present application of the petitioner no. 1 is dismissed as withdrawn.

5. The petitioner No. 2 is apprehending his arrest in connection with Jadiya P.S Case No. 267 of 2023 dated 26.10.2023 registered for the offence punishable u/s 25(1B)a,



25(1A), 25(1AA), 26, 35 of the Arms Act.

6. As per the prosecution case, a raid was conducted at the house of the co-accused *Arshe Alam* and from the basement of his house lath machine and miling machine were found in running condition and four semi manufactured pistol of 7.65 mm and four barrel of pistol were recovered. From the north side of his house under the Tin-shed 16 semi manufactured pistol of 7.65 mm and 16 semi manufactured barrel of pistol were also recovered. Further, one country made pistol, 12 live cartridges, one loaded pistol and 7 live cartridges were also recovered from the bed room of the co-accused.

7. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The other co-accused person has already been granted bail by this court *vide* order dated 12.07.2024 passed in Cr. Misc. No. 43421/2024. The petitioner has two criminal antecedents as stated in para 3 of the bail petition.

8. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the petitioner and other co-accused persons were



involved in the illegal manufacturing and selling of the arms.

9. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Supaul in connection with Jadiya P.S Case No. 267 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

10. The application stands allowed.

(Chandra Prakash Singh, J)

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