

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50498 of 2024

Arising Out of PS. Case No.-118 Year-2024 Thana- BELDOUR District- Khagaria

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1. Gautam Kumar Son of Socho Yadav, R/o Village- Pirnagara PS- Beldaur Dist- Khagaria
 2. Govind Kumar Son of Ranjit Sada, R/o Village- Rukminiya PS- Beldaur Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seek regular bail, who is in custody in connection with Beldaur P.S. Case No. 118 of 2024 registered 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 (Amendment) Act, 2022.

3. The police in course of vehicle checking intercepted the petitioners who were coming on a motorcycle. On search, one loaded country made pistol and a live cartridge were recovered from the possession of petitioner no.1, whereas



5 liters illicit country made wine was recovered from the possession of petitioner no.2. It is further alleged that on the basis of disclosure made by the petitioners, some other accused persons were also apprehended along with the incriminating materials.

4. It is contended on behalf of the petitioners that so far the recovery of loaded country made pistol and one live cartridge are concerned, the same has been implanted by the police personnel. The alleged recovery of illicit wine was made from an open field, however, when the police apprehended the petitioners on suspicion, their names have been implicated in this case showing the recovery from the possession of the petitioners. Referring to the seizure list, learned counsel for the petitioners further contended that the witnesses are non else but the police personnel and, moreover, the alleged recovery of illicit wine has been shown to be from an open farm. It is further contended that be that as it may, now the petitioners have been incarcerated for over a period of three months and the charge-sheet has been submitted. The petitioners undertake that they will fully cooperate in the proceeding of the Court.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the



loaded country made pistol along with a live cartridge and the illicit wine were recovered from the possession of the petitioners.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the charge-sheet has been submitted, coupled with the fair antecedent of the petitioners, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-II, Khagaria in connection with Beldaur P.S. Case No. 118 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be



cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and, in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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