

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74526 of 2024

Arising Out of PS. Case No.-469 Year-2024 Thana- FATUA District- Patna

Babloo Singh S/O Late Jaipal Singh R/O Village- Janardhanpur, P.S- Fatuha,
Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-10-2024

Heard the parties.

2. The petitioner is in custody in connection with Fatuha P.S. Case No. 469 of 2024 for the offence punishable under sections 25(1-B)a, 26 and 35 of the Arms Act lodged on 23.07.2024 by the informant, Saurabh Kumar.

3. As per the prosecution story, the informant alleged that upon secret information about selling of illegal arms /liquor, it proceeded to the spot (alang) and recovered/seized two country made revolver, eight cartridges as also 30 liters of country made liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that it has been recovered/seized from an open place which could not be attributed in any manner to the petitioner. He has already suffered by being in custody



since 24.7.2024 (para 14 of the petition) and do not have criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that on the basis of secret information of the petitioner carrying on business of arms/liquor, the raid was made which led to the recovery/seizure.

6. Considering the submissions put forward by the parties as also that the recovery/seizure is from an open place, he do not have criminal antecedent and is in custody since 24.07.2024, this Court is inclined to extend him the privilege of bail with conditions. However, if it is found that the petitioner contrary to the statement made in para 3 of the petition, do have criminal antecedent, the order shall become infructuous.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Court of Excise, Patna City in connection with Fatuha P.S. Case No. 469 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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