

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1020 of 2024

Arising Out of PS. Case No.-205 Year-2023 Thana- PARBATTa District- Bhagalpur

MD. AZAD @ MD. AMJAD Son of Md. Shahid Baitha @ Shahid Hussain
Resident of Village-Jamuniya, P.S.-Parbatta, Dist-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwij Raj

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 14-03-2024 Heard learned counsel for the parties.

2. The petitioner seeks regular bail in connection with Parbatta P.S. Case No. 205 of 2023 registered for the offence under Sections 25(1-b)a, 26 of the Arms Act and Section 37 of Bihar Prohibition and Excise Act.

3. It is a case of creating nuisance after drinking and fleeing away with motorcycle after seeing the police personal and when he was apprehended desi pistol, a mobile phone and 27,000/- cash recovered while he was in drunken state.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. There is no independent witness of seizure list. He is custody since 15.11.2023.



5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. Considering the aforesaid facts and circumstances of the case and also taking into account the period of custody, let the petitioner, above named, be released on bail *after framing of charge* 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 Excise Judge – II, Bhagalpur, in connection with Parbatta P.S. Case No. 205 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 days from the date of receipt of a copy of this order. However, it is made clear that if the charge-sheet has not been submitted then the petitioner shall be released on bail on the above condition and he shall be present physically on each and every date before the trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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