

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.7034 of 2025

Arising Out of PS. Case No.-24 Year-2024 Thana- MOHANPUR District- Jamui

Belal Khan @ Md. Belal Ahmad @ Bilal Khan @ Mohammad Balal Ahmad
S/O Late Mohammad Nisar Ahmad Vill.- Sangthu, PO- Amrath, PS- Jamui,
District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. M. Ashraf, Sr. Adv.
Mr. Tahsin Nayyar Siddiqui
Mr. Subhankar Raj
Mr. Sristy Patel
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 22-03-2025 1. Heard learned Senior Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Mohanpur Police Station Case No. 24 of 2024, dated 27.10.2024, disclosing offences punishable under Sections 25(1-b)a/26(i) (ii)/35 of the Arms Act.
3. The prosecution case, as per the First Information Report, is that on 27.10.2024, during patrolling, the police got secret information that one Innova car on which ‘PRESS’ is mentioned, was carrying illegal arms and ammunition and going towards Jhajha. Upon such information, the



police proceeded towards the place of occurrence and started vehicle check. During vehicle check, the police saw one four-wheeler vehicle coming from Jinhara and upon seeing the police, the persons sitting in the car tried to flee away. However, on chase, the police intercepted and apprehended three persons, who disclosed their names to the police. Upon search of the car, the police recovered 09 semi-manufactured pistols and nine pieces of barrels. Upon enquiry from the arrested persons, they disclosed the name of the petitioner and stated that they work for him and on his instructions, they were carrying the arms and were going towards Jhajha for delivery of the consignment.

4. Learned Senior Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of disclosure of his name by the arrested accused persons. At the time of search, the procedure prescribed under the Bharatiya Nagarik Suraksha Sanhita, 2023, has not been complied properly and there is no averment in the First Information Report that the process of seizure was videographed. Referring to the seizure list, learned Senior Counsel submits that the seizure list was prepared



at 19:45 and 20 hours; whereas, the formal First Information Report has been drawn at 22 hours. He further submits that the petitioner is a licensed arms dealer and his license is under process of renewal. From perusal of the First Information Report, the provisions of the Arms Act are not made out against the petitioner.

5. I have heard learned Counsel for the parties concerned and have gone through the materials available on record.
6. From perusal of the First Information Report, it appears that the police, on the basis of information, intercepted one Innova car, from where huge quantity of semi-manufactured pistols and barrels have been recovered. The arrested co-accused persons disclosed the name of the petitioner. The irregularity in preparation of seizure list cannot be the ground for grant of anticipatory bail. The disclosure made by the arrested co-accused persons may be the basis of investigation in the matter, which is still going on. The petitioner is having criminal antecedent of serious nature of offence and was also an arms dealer, whose license is under the process of renewal. Accordingly, I am not inclined to grant the petitioner privilege of anticipatory bail.



7. This application is, accordingly, dismissed

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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