

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 89896 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- BANGARA District- Samastipur

Kamlesh Kumar S/o Manoj Kumar Singh R/o Village- Kothiya, P.S.- Bangra
P.S., District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 7225 of 2025

Arising Out of PS. Case No.-21 Year-2024 Thana- BANGARA District- Samastipur

Abhishek Kumar @ Sri Abhishek Kumar Son of Lakshmi Singh Resident of
village- Kothiya, PS- Bangara, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 89896 of 2024)

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Gauri Shankar Gupta

(In CRIMINAL MISCELLANEOUS No. 7225 of 2025)

For the Petitioner/s : Mr.Shanti Bhushan Singh

For the Opposite Party/s : Mr.Nagendra Prasad

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

ORAL ORDER

2 14-02-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are in custody in connection
with Bangra P.S Case No. 21 of 2024 registered for the
offences punishable under Sections 30(a) of the Bihar



Prohibition and Excise (Amendmemnt) Act, 2022 and Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. As per the FIR, the present FIR has been lodged against five named accused person including the present petitioner against whom there is a recovery of one country made pistol with one live cartridge from the possession of the the accused namely Abhishek Kumar @ Golu and 3.24 litre of country made liquor was also recovered from the bathan which is situated back side of his house.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case. He further submits that petitioners name has been figured from the confessional statement of the co-accused namely Abhishek Kumar @ Golu. He next submits that the search and seizure is not in accordance with law. Moreover, nothing has been recovered from the possession of the petitioner. It is crystal clear from the FIR that the recovered has been made from the possession of co-accused Abhishek Kumar and from his



Bathan. It is also submitted that petitioner of first case is in judicial custody since 28.10.2024 possesses two criminal antecedent and petitioner of second case is in judicial custody since 07.08.2024 and possess one criminal antecedent

5. However, learned APP for the State oppose the prayer for regular bail of the petitioners.

6. On perusal of the FIR, impugned order dated 02.12.2024 it is clear that the name of the petitioners have been figured by the confessional statement of the co-accused namely Abhishek Kumar @ Golu who was apprehended from the spot. Moreover, petitioners have not been arrested on spot also the alleged recovery was not been made from the possession of the petitioners. Investigation has been concluded in the present case and charge-sheet has also been submitted but no TIP has been conducted by the investigating Officer during the investigation. Considering all aspects of the matter and submissions made on behalf of the petitioners, let the above named



petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive special Judge, (Excise) 1st, Samastipur in connection with Bangra P.S Case No. 21 of 2024.

(Ramesh Chand Malviya, J)

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