

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25514 of 2025

Arising Out of PS. Case No.-340 Year-2024 Thana- BHARGAMA District- Araria

Akhtar @ Md. Aktar, aged 40 yrs (M), son of Late Nuro, Resident of Village-
Bhargama (Muslim Tola), Ward No. 08, P.S.- Bhargama, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 14-08-2025 Heard Mr. Ramesh Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Md. Mushtaque
Alam, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Bhargama P.S. Case No. 340 of 2024, registered for the
offence punishable under Sections 3, 4 and 5 of the Explosive
Substance Act.

3. As per the allegation made in the FIR, upon
receiving secret information, a raid was conducted and
incriminating articles were recovered including huge quantity of
explosive substance.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Petitioner is not involved in



manufacturing of illegal bomb. Petitioner has been implicated in a false case by the police due to enmity. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having perused the allegation made in the FIR, as well as, the case diary, I find that the prescribed procedure under Section 105 read with Section 185 of the BNSS for affecting search and seizure, has not been followed. The Superintendent of Police, Araria, is directed to call for report from the S.H.O., Bhargama, District- Araria and verify whether he has been trained to conduct search and seizure.

7. In want of seizure list, the entire prosecution fails. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate -1 class, Araria/ court concerned, in connection with Bhargama P.S. Case No. 340 of 2024, subject to the condition as laid down under Section 482(2)



of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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