

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32012 of 2025

Arising Out of PS. Case No.-89 Year-2023 Thana- MUNGER MUFFASIL District- Munger

Shiba @ Shabbir Ahmad @ Shibla @ Md. Shabbir Ahmad Son of Karu
Driver @ Tasmul Hussain Resident of Village - Mirzapur Bardah, P.S.-
Muffasil, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjiv Kumar Singh, Advocate
For the State	:	Mrs. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 21-05-2025 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Muffasil P.S. Case No. 89 of 2023, registered for the offences
punishable under Sections 25(1-A), 25(1-AA), 25(1-B)a, 26(i)
(ii), 35 of the Arms Act. Petitioner has three criminal
antecedents.

3. The prosecution case is to the effect that the police
on a tip off that arms are being manufactured by some people,
conducted raid, however, noticing the police party, the said
persons managed to escape. It is further alleged that the
Chowkidar of the area identified the said accused persons and



named altogether 33 persons including the petitioner who were indulged in manufacturing of arms.

4. The learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has been implicated in the present case only because he carries criminal antecedent of three cases. It has further been stated that no incriminating article has been recovered from the conscious possession of the petitioner and the identification of all the 33 accused persons by a local chowkidar, who have been stated to have fled away on seeing the police, was highly improbable. Learned counsel further submits that the recovery was made from an open space which did not belong to the petitioner. It has lastly been submitted that similarly situated co-accused persons have been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 20.12.2024, passed in Criminal Misc. No. 78774 of 2024 and he is in custody since 11.03.2025.

5. The learned A.P.P. for the State opposes the prayer for bail and has stated that the petitioner along with other was indulged into manufacturing of illegal arms and the police had conducted a raid from where the petitioner and others are said to have fled.



6. Considering the aforesaid submissions made by the respective parties and taking into account that no incriminating article has been recovered from the possession of the petitioner and he was named at the behest of the chowkidar and also the fact that similarly situated co-accused persons have been granted bail by a Co-ordinate Bench of this Hon'ble Court, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned C.J.M. Munger, in connection with Muffasil P.S. Case No. 89 of 2023, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to



move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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