

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73592 of 2025

Arising Out of PS. Case No.-1044 Year-2025 Thana- PHULWARISHARIF District- Patna

Md. Shaif @ Md. Saif S/O Md. Imtiaz Ahmad @ Md. Imtiaz R/O Isopur,
Safdar Imam Gali Near Purani Masjid, P.S- Phulwarisharif, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 18-12-2025 Heard Mr. Ranjan Kumar Sharma, learned counsel
for the petitioner and Mr. Rajendra Prasad Nat, learned APP for
the State.

2. Petitioner seeks regular bail in connection with
Phulwarisharif P.S. Case No. 1044 of 2025 dated 28.06.2025
registered for the offences punishable under Sections 25(1B)(a)
and 26 of the Arms Act.

3. The main submissions advanced by the petitioner's
counsel are that, as per the prosecution, one country-made
pistol, one blank magazine, and five live cartridges are alleged
to have been recovered from the house of the petitioner, but the
said recovery was not made in the presence of any independent
person. It is further submitted that the mandatory provisions of
the BNSS were not followed by the police, despite the fact that



the police proceeded to raid the petitioner's house after receiving secret information. It is further submitted that the petitioner bears no criminal antecedent and has been languishing in jail since 29.06.2025, and that the investigation against him has been completed.

4. Learned APP for the State has opposed the prayer for bail of the petitioner.

5. Considering the aforesaid submissions, and mainly the petitioner's fair and clean antecedent, the completion of the investigation against him, and also the fact that the recovery of the alleged firearm was made only in the presence of police personnel and not before any independent person, in my opinion, it is a fit case for grant of bail to the petitioner. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Phulwarisharif P.S. Case No. 1044 of 2025.

(Shailendra Singh, J)

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