

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28141 of 2026

Arising Out of PS. Case No.-172 Year-2025 Thana- MORKAHI District- Khagaria

Avdesh Rai @ Avdesh Rai S/o Babulal Ray Resident of Village-
Raghunathpur, P.S.- SAhebpur Kamal, District- Begusarai, Present Vill.-
Kamthan, P.S.- Morkahi, Dist.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajit Kumar, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 19-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 25(1-B)a, 26 and 35 of the Arms Act.

3. The case of the prosecution is that from the possession of this petitioner one country made pistol along with thirteen live cartridges was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that nothing has been recovered from the possession of the petitioner. There is no



independent witness of the seizure list rather they are police personnel and police have not complied Section 105 of BNSS while preparing the seizure list. He has been framed in this case due to his criminal antecedent. He is having criminal antecedent of eight cases. Moreover, the petitioner is languishing in judicial custody since 26.11.2025.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Morkahi P.S. Case No. 172 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Ist, Khagaria with following conditions:-

(i) The petitioner shall cooperate in trial and shall remain physically present in the trial court on each and every fixed date.

(ii) One of the bailors should be close relative of the petitioner.

(iii) Petitioner is also directed to mark his weekly



attendance at S. Kamal P.S.

(Ashok Kumar Pandey, J)

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