

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35821 of 2026

Arising Out of PS. Case No.-62 Year-2025 Thana- NAKARDEI District- East Champaran

Aiyaj Alam @ Aiyaj Miya @ Faiyaz Miya Son of Gayasuddin Miyan @
Gyasudin Hussain Resident of Village - Sirisiya Mal, P.S. - Nakardei, District
- East Champaran, Bihar - 8453051.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohd Rustam Hussain, Advocate
For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 08-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 25(9), 25 (1-b), a, 26 and
35 of the Arms Act.

3. Acting on a viral photo of one person having
weapon in his hand, police apprehended one Raushan Singh and
on his disclosure the police raided at the Garden of the
petitioner from where police recovered one country made pistol
and one live cartridge.

4. It is submitted by learned counsel for the
petitioner that no incriminating article has been recovered from
the conscious physical possession of the petitioner. There is



nothing in the record indicating the complicity of the petitioner in the occurrence barring the disclosure made by the co-accused, Raushan Singh, which has no evidentiary value in the eye of law. The petitioner has been made accused in this case only on the ground that the garden from which the country made pistol and live cartridges were recovered belonged to the petitioner. As a matter of fact, the garden is an open space and easily accessible to anyone. It is further submitted that there is violation of mandatory provisions of search and seizure. Charge-sheet has already been submitted. The petitioner has been languishing in custody since 03.02.2026.

5. Learned APP for the State opposed the bail petition on the ground that the petitioner has three criminal antecedents. In response, it is submitted on behalf of the petitioner that petitioner is on bail in all the cases.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that petitioner was remanded in the present case and recovery has been made from an open place coupled with the fact that the charge-sheet has been submitted in this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Nakardei P.S. Case No.62 of 2025, subject to the conditions that :

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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