

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36529 of 2026

Arising Out of PS. Case No.-6 Year-2026 Thana- MANSURCHAK District- Begusarai

Navin Singh, aged about 37 years, Male, S/o Late Yugeshwar Singh,
Resident of Village- Kamrain, P.S.- Vibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 21-07-2026 Heard learned counsel for the petitioner, learned APP
for the State as well as perused the case diary.

2. The petitioner is in custody in a case registered for
the offence punishable under Sections 25(1-B)(a) and 26 of the
Arms Act.

3. As per allegation in the FIR, one country made
loaded pistol having five live cartridges were recovered from
the possession of the petitioner along with a four-wheeler
vehicle (Wagor, bearing Registration No. MP37C0801).

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He next
submits that nothing incriminating article has been recovered
from the conscious possession of the petitioner and he has been



implicated in this case only on the basis of suspicion. He next submits that he has placed reliance in Special Leave Petition(Crl.)No.9207 of 2019 and SLP(Crl.) No.9209 of 2019 and also placed reliance in Special Leave Petition (CRL.) No.4978 of 2024 wherein, it was held that incriminating material kept in the house due to grave fear, do not amount to conscious possession.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner has got ten criminal antecedents as stated in para-3 of the petition.

6. From perusal of the first information report, case diary and impugned order dated 26.03.2026, it appears that the petitioner was arrested at the spot and several witnesses have supported the case of the prosecution as appears from paras-5, 6 and 7 of the case diary and recovery of a country made pistol along with five live cartridges were made from left waist inside the pants of the petitioner amounting to actual and physical possession of the petitioner. In the case of ***Francis Xavier Salemao vs. State Through Public Prosecutor as reported in 2007 SCC online Bom 1261***, it was held that “*the possession of firearm must have an element of consciousness or knowledge of that possession and where he is not in actual physical*



possession, he has nonetheless a power or control over that weapon so that his possession thereof continues despite physical possession being in someone else.”

7. In the present case, the incriminating articles (country made pistol along with five live cartridges) were recovered from the actual, physical possession of the petitioner and not from any house or other place. Additionally, the petitioner has ten criminal antecedents including the fact that he is a habitual offender, so I am not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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