

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43571 of 2026

Arising Out of PS. Case No.-46 Year-2026 Thana- MORKAHI District- Khagaria

Anil Mahto S/O Late Shukal Mahto Resident of Village- Sada Tola Khuta,
P.S.- Morkahi, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 07-07-2026 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 of the Arms Act.

3. The case of the prosecution is that below the pillow of this petitioner, one country made pistol, eight live cartridges and three empty cartridges were 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 the *basa* which is alleged to be belonging to the petitioner is not his *basa* and that the bed and pillow from where the recovery has been shown, does not belong to him. Nothing has been recovered from the



possession of the petitioner. The seizure list witnesses are police personnel and police has not followed Section 105 of BNSS while preparing the seizure. Moreover, he is languishing in judicial custody since 14.03.2026.

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. 46 of 2026 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate(CJM), Khagaria.

(Ashok Kumar Pandey, J)

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