IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45103 of 2026

CNR No. BRHC010615002026

Arising Out of PS. Case No.-93 Year-2026 Thana- AURANGABAD TOWN District- Aurangabad

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Md. Danish Alam Son of Md. Alimuddin Resident of Mohalla- Alingar, Ward No. 13, near Pani Tanki, P.s.- Town, District- Aurangabad

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Santosh Kumar Pandey, Advocate
For the State : Mr. Tarkeshwar Nath Thakur, APP
For the Informant : Mr. Shailesh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

4 27-10-2026 Heard learned senior counsel for the petitioner, learned counsel for the Informant and learned APP for the State.

2. The petitioner has prayed for bail in connection with Aurangabad Town P.S. Case No.93 of 2026 registered for the offence punishable under Sections 25(1-B)(a), 26 & 35 of the Arms Act.

3. The case of the prosecution, in short, is that from the house of this petitioner, one country made pistol, two automatic pistols, six magazines, 123 live cartridges of K.F. 7.65 pistol and 6 live cartridges of 0.315 bore pistol along with two mobile phones were recovered.

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4. Learned senior counsel appearing on behalf of the petitioner has submitted that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Learned senior counsel for the petitioner has submitted that nothing has been recovered from possession of this petitioner. It has been submitted that the witnesses of the seizure list are police personnel and police have not complied Section 105 of the BNSS while making seizure. It has been submitted that from perusal of the seizure list it will transpire that the same was prepared on 03.02.2026 whereas the FIR was lodged on 04.02.2026. It means before the FIR, seizure list was made. Learned senior counsel for the petitioner has submitted that the petitioner was remanded in this case after a month, i.e. on 09.03.2026. It has been submitted that from perusal of the FIR it will also transpire that as per the case of the prosecution, three persons were apprehended below the bridge on the date of the FIR whereas the petitioner has been remanded after a month. Learned senior counsel for the petitioner has submitted that these two aspects are contradictory to each other. It has been submitted that the petitioner is having four criminal antecedent and it is case of the prosecution that the weapon which was recovered in this case is alleged to be used in Town P.S. Case

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No. 90 of 2026. In that case, the petitioner is not the named accused as per the statement of learned senior counsel for the petitioner. It has further been submitted that moreover, this case is only pertaining to the recovery of arms.

5. The application for bail is vehemently opposed by learned counsel for the Informant.

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 ***with the condition that the petitioner shall co-operate in trial and shall remain physically present on each and every date fixed by the learned trial court***. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the court of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Town P.S. Case No.93 of 2026.

(Ashok Kumar Pandey, J)

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