IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67706 of 2026
CNR No. BRHC010965682026
Arising Out of PS. Case No.-259 Year-2026 Thana- AMNAUR District- Saran

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Basudeo Rai @ D.N. Rai S/O Gannilal rai Resident Of Village- Hussepur, Dabrapur, Police Station- Amour, District- Saran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Mili Kumari, Adv
For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

3 04-11-2026 Heard the parties.

2. The petitioner seeks bail in connection with Amnour P.S. Case No. 259/2026 registered for the offence under Sections 25(1-b)a and 26 of the Arms Act.

3. The petitioner is named in the F.I.R. and is in custody since 26.06.2026.

4. As per FIR, two loaded country made firearms, 22 live cartridges , one ammunition belt, two mobile phones and one Aadhar alleged to be recovered from the poultry farm of the petitioner.

5. Learned counsel appearing on behalf of the petitioner submitted that admittedly the poultry farm of the petitioner is located in an isolated area, accessible to general public and, therefore, there is all probability that these firearms

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and live cartridges may be roped by any other person to implicate this petitioner falsely, particularly in the background of his criminal antecedent as he alleged to be involved in 12 criminal cases. It is submitted that petitioner contested *mukhiya* elections in year 1998 and thereafter within short span of 7 years he was made accused in 11 cases on the stance of his political rivals, where after facing trial he has already been acquitted. It is pointed out that in Amnour P.S. Case No. 91/2025 petitioner is on bail. Explaining further it is submitted that out of 12 cases in 11 cases petitioner has already been acquitted, therefore, petitioner effectively found involved in one case only i.e., Amnour P.S. Case No. 91/2025.

6. Arguing further, it is submitted that recovery was not made from the physical possession of this petitioner as the different adult family members also usually visited the poultry farm. It is also submitted that compliance of Section 103(4) of the BNSS not appears followed in the present case making entire search and seizure doubtful, where seizure list also appears doubtful being supported by police personnel only rather by independent witnesses having all occasion to its availability. While concluding the argument, it is submitted that investigation of this case has already completed, for which charge-sheet has been

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submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP while opposing the prayer of bail submitted that alleged firearms was recovered from the poultry farm, which belongs to this petitioner. However, he could not disputed the fact that out of 12 cases petitioner already acquitted in 11 cases as mentioned in para no. 3 of the bail petition.

8. In view of aforesaid factual submission and by taking note of fact as recovery of alleged firearms *prima-facie* not appears to be made from the conscious physical possession of this petitioner, coupled with fact as investigation of this case already completed, wherein petitioner remains in custody since 26.06.2026, accordingly petitioner above named, is directed to be released on bail in connection with Amnour P.S. Case No. 259/2026 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned JM 1st Class, Saran at Chapra/concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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