

**IN THE COURT OF PRINCIPAL SESSIONS JUDGE
DISTRICT-GOPALGANJ**

Regular Bail Petition No. 206 of 2026

(Arising out of Bhore P.S. Case No. 87 of 2026, registered U/S 25(1-B) (a), 26 and 35 Arms Act)

In the matter of :-

Name of the petitioner : Sarfaraz Ali.
F.I.R. U/S : 25(1-B) (a), 26 and 35 Arms Act.
Charge-Sheet U/S : 25(1-B) (a), 26 and 35 Arms Act.
Counsel for the Petitioner : Shri Shamim Ansari, Id. Adv.
Counsel for the State : Shri Deo Vansh Giri, Id. P.P.

ORDER

23-04-2026

1. This Bail Application filed on behalf of above named accused-petitioner, who is in judicial custody since 19-02-2026, in connection with Bhore P.S. Case No. 87 of 2026, registered U/S 25(1-B) (a), 26 and 35 Arms Act, is put up for hearing today.

2. As per the FIR, prosecution case in brief is that on dated 15-02-2026 at about 03:10 O'clock, informant Rohini Upadhyay, who happens to be the S.H.O. of Bhore P.S. received secret information that near Ganga More at Bhore, 2-3 persons armed with weapon are about to commit crime. On such information, informant along with police party arrived there and saw that having seen the police, three persons tried to flee away, who were caught by the police. On interrogation, apprehended persons disclosed their name as Arman ali, Sarfaraj Ali (petitioner) and Juner Ansari. When search, was conducted by the police and on search, one country-made katta along with one live cartridge and mobile phone were recovered from the possession of accused Arman Ali, from the possession of accused Sarfaraj Ali, one automatic knife and one mobile phone were recovered and from the possession of the petitioner one live cartridge and one mobile phone were recovered. When about the recovered arm and ammunition, apprehended persons were asked by the police but no satisfactory answer was given by them. Accordingly, seizure list was prepared and accused-persons were caught by the police.

3. It is submitted on behalf of accused/petitioner that he is innocent and has committed no offence and has been falsely implicated in this case. It is further submitted that petitioner bears clean past. It is further submitted that nothing has been recovered from the conscious possession of the petitioner and there is no independent witness of the seizure-list and all the seizure-list witnesses are the members of the raiding party, so no case U/S 25(1-B)A25/26 Arms Act is made out against

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the petitioner. It is further submitted that there is no compliance of Sec. 185 B.N.S.S. It is lastly submitted that petitioner is in custody since 19-02-2026. On such strength, prayer for bail has been made by the petitioner.

4. Heard ld. Counsel appearing on behalf of the petitioner as well as ld. P.P. for the State. Ld. P.P. for the State has opposed the prayer for bail of the petitioner.

5. Having heard both the parties and perused the case record along with case diary. From the perusal of the F.I.R as well as case diary, it transpires that petitioner is named in the F.I.R., who was caught by the police at the spot and from his possession, one automatic knife and one mobile phone were recovered. Informant and witnesses at para-06, 10, 11, 12 and 13 of the case diary have repeated the version of the prosecution but all the witnesses are official witnesses. From perusal of para-46 of the case diary, it appears that after completion of investigation against the petitioner, Charge-Sheet No. 218/26 dated 15-04-2026 has been submitted without any sanction report. From perusal of the record, it appears that co-accused Juner Ansari has been granted bail in B.P. No. 203/2026. The petitioner appears to be in custody since 19-02-2026.

6. Considering the aforesaid facts and circumstances of this case and considering the period of custody of the petitioner and without going into the merit of the case, this court is inclined to grant bail to the petitioner and hence, the same is hereby allowed. Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of like amount each to the satisfaction of the ld. Court below **subject to conditions that petitioner shall be released only after framing of charge with further condition that one of the bailors shall be close relative of the petitioner and one shall be local and petitioner shall file an undertaking that he shall cooperate in the investigation/trial and he shall not temper with the evidence.**

Let a copy of this order along with lower court record be sent to the ld. Lower court for information and needful.

(Dictated)

(Geeta Gupta)

Principal Sessions Judge, Gopalganj.