

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-IV, JAMUI

B.A.NO.- 293/2026

Md. Raffique VS. State of Bihar

B.A.NO.- 293/2026

Arising out of Jhajha P.S Case No-566/2025

U/S-25(1-B), 25(1-A), 25(1-AA), 35 Arms Act

Learned counsel for the Petitioner.....Shyamdev Singh, Advocate

Learned counsel for the State.....Sri Shambhu Sharan, A.P.P.

**PRESENT-PRABHAT KUMAR SRIVASTAVA
DISTRICT AND ADDL. SESSIONS JUDGE-IV, JAMUI**

DATE OF ORDER- 21st, May 2026

ORDER

21-05-2026

Regular bail application filed on behalf of petitioner Raffique S/o Md. Hamid R/o vill- Khanka, P.S- Kasim Bazar, District- Munger in connection with **Jhajha P.S Case No.- 566/2025, U/S- 25(1-B), 25(1-A), 25(1-AA), 35 Arms Act**, is put up before me for order today. The petitioner is in custody since 12-04-2026.

The prosecution case as per F.I.R is that on 29-11-2025 at about 01:35 A.M, the officer-in-charge of Suryagarha Police station, namely Inspector Bhagwan Ram, arrived at Jhajha Police Station and informed that during checking in his police station, he apprehended one accused namely Md. Raffique. Upon search the accused was found in possession of four packets wrapped in cloth and plastic bags containing semi-finished illegal firearms. Out of the four packets, three were large and one was small. From the three large packets, two packets each containing 10 semi-finished country-made pistol bodies with barrels, while one packet containing 10 semi-finished pistol bodies without barrels were recovered. The small packet contained 10 semi-finished country-made pistol and 30 semi-finished barrels. During interrogation the accused disclosed that these illegal firearms were being manufactured at an illegal factory situated within the jurisdiction of Jhajha Police station at village Paharpur, in the house of petitioner Md. Rustam Ansari. He further revealed that both of them were jointly engaged in the illegal manufacturing of arms, and that the petitioner used his auto vehicle for transporting raw materials and supplying the finished/semi-finished arms outside the district. On receiving this information, the matter was communicated to senior officers. Thereafter, a raiding team consisting of police officials and SOG team members, along with arrested accused Md. Raffique, proceeded to village Paharpur. After proper surveillance and encirclement, a raid was conducted at the house of Md. Rustam Ansari, where he was found present. In presence of independent witnesses, namely Bano Khatun (wife of Rustam Ansari) and Reshma Khatun, a search of the premises was conducted. During the search a fully functional illegal arms manufacturing unit was unearthed. Various machines and tools used for manufacturing firearms were recovered, including five big machinery, One Universal Milling Machine with mark aa, Lethe machine with mark bb, Drill press machine with mark cc, Grinder machine with mark dd, one small universal milling machine with mark ee, one half made pistol butt mark, one pistol body frame marka, seventeen body plates marked A1 to A17,

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-IV, JAMUI

B.A.NO.- 293/2026

Md. Raffique VS. State of Bihar

Eleven bore drill machine set with mark B1 to B11, one base plate marked C, one H.P motor marked D and more than 120 articles marked from A to Z along with a green-colored Ape Xtra Deluxe auto vehicle (without registration number, with unclear engine number and chassis no. MBX00038FWE65009) was also seized, which was being used for transportation of raw materials and illegal arms. Upon inquiry regarding license/authorization for the machines and activities, the accused initially tried to evade but later on confessed that they were jointly engaged in manufacturing of semi-finished illegal country-made pistols and supplying them to Munger with the help of Md. Raffique. They failed to produce any valid license. Both the accused were taken into custody but due to lack of transportation the police team departed at about 3:55 A.M from the place of occurrence. All the machines were dismantled properly at police station till 15:40. Thereafter all seized machines and articles were formally seized through a seizure list. The entire raid and seizure process was video-graphed by the informant, and the video recording is preserved in a pen-drive.

Learned counsel for the petitioner submits that he is quite innocent and has committed no offence and he has falsely been implicated in this case with an ulterior motive. He further submitted that no bail application either anticipatory or regular on behalf of the petitioner has been filed or rejected either by the Sessions Court or by the Hon'ble High Court Patna earlier. The petitioner is in custody since 12-04-2026. There is one case against the petitioner having Suryagarha P.S Case No 323/25 in which he is on bail. The raid house is an abandoned house and that is not in possession of the petitioner. There is violation of Section- 105 of B.N.S.S and nothing has been recovered from the conscious possession of the petitioner as transpires from Para-7 of the Case-diary. In the light of confessional statement of this petitioner given in Suryagarha P.S Case No 323/2026 raid was made and present case has been instituted against accused including this petitioner. There are two cases relating to same occurrence against the petitioner one having Suryagarha P.S Case No 323/2026 and other case is the present one. Charge sheet has been submitted but there is no prosecution sanction. The petitioner has not been given benefit of provision contained U/s- 35(3) of B.N.S.S, thus it is submitted that he may be allowed bail.

On the other hand learned A.P.P. opposed the bail application and submitted to reject the same.

Heard the submission made by both the parties. On perusal of case record it transpires that the allegation against the accused/petitioner Raffique is that he along with co-accused Rustam Ansari were engaged in manufacturing of illegal weapons and its transportation out of district. In the light of confessional statement by petitioner in Suryagarha P.S Case after raiding the house of Rustam Ansari in-front of Reshma Khatoon and Rustam Ansari's wife Bano Khatoon five big machinery, One Universal Milling Machine with mark aa, Lethe machine with mark bb, Drill press machine with mark cc, Grinder machine with mark dd, one small universal milling machine with mark ee, one half made pistol butt mark, one pistol body frame marka, seventeen body plates marked A1 to A17, Eleven bore drill machine set with mark B1 to B11, one base plate marked C, one H.P

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-IV, JAMUI

B.A.NO.- 293/2026

Md. Raffique VS. State of Bihar

motor marked D. and more than 120 articles marked from A to Z along with a auto having chassis No. MBX0003BFW65009 were recovered. The petitioner is involved in making and selling of illegal firearms. There is one case under Arms Act against the petitioner as disclosed in Para-64 of the Case-diary. On the basis of confessional statement made in that case, recovery was made and this case was instituted wherein the petitioner has been named in present case also. It transpires that there are two cases against the petitioner one having Suryagarha P.S Case No 323/25 and other case is the present one. Para-77 of the case diary shows that investigation is complete and charge-sheet has also been submitted in this case. It further shows that prosecution sanction has not been received as yet, this fact was the ground on the basis of which this petitioner was granted benefit of bail U/s-167(2) of Cr.P.C in Suryagarha P.S Case No. 323/2025. There is nothing to show that the premises used for manufacturing of arms belongs to this petitioners. So, having considered the fact that present case has been lodged on the basis of confessional statement made by this petitioner in Suryagarha P.S Case No 323/25 which relates to the selling of Arms and present case relates to making and selling of Arm, the period of custody as well as the fact that the place where in alleged arm were prepared does not belong to petitioner, I am of the view to allow bail to him. Accordingly, this bail petition is hereby **Allowed** and petitioner is directed to be released on bail on furnishing a bail bond of Rs. 20,000/- with two sureties of like amount each to the satisfaction of Ld. Trial court with condition that one of the bailor will be close relative/family member of the petitioner and the petitioner will co-operate in investigation and trial. Since charge-sheet has been submitted in this case, so the petitioner is directed to remain physically present on each and every date till framing charge and is directed to file an undertaking that he will always inform the court before going out of the state.

Dictated

District & Addl. Sessions Judge-IV,

Jamui

Date of judgment/order	21 st , May 2026
Date of reserving judgment/order	Nil (same date)
Uploading date	23 rd , May 2026
Uploaded by	Shraddha Sharma (Stenographer)