

**IN THE COURT OF DISTRICT & A.S.J.-III, VAISHALI AT HAJIPUR**

**B.P. NO. 467 of 2026**

**CNR No. BRVA01-003289-2026**

**Arising out of Rajapakar P.S. Case No. 105/2026**

**U/s – 25(1-A), 26(2) of Arms Act.**

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**Raj Kumar, S/o: Ram Ishwar Rai**

.....

**Petitioner**

**Versus**

**The State of Bihar**

.....

**Opposite Party**

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**Appearance :**

**For the petitioner**

**: Sri Sunny Kr., Kumar Gaurav, Praphul Kr.,  
Ld. Adv.**

**For the State**

**: Sri Ramnath Mahto, Ld. A.P.P.**

**20.06.2026**

**Order**

1. The regular bail petition of the petitioner-**Raj Kumar**, who is in custody since 25.02.2026 in **Rajapakar P.S. Case No. 105/2026, U/s – 25(1-A), 26(2) of Arms Act.**

2. The Ld. Advocate on behalf of the petitioner pressed the regular bail petition and submitted that, no prayer, either for anticipatory or regular bail has been made earlier on behalf of the petitioner before this Ld. Court or the Hon'ble Court. That there are four cases against the petitioner from before, in all cases he is on bail. There are no other criminal antecedents against him. That the petitioner is in judicial custody since 25.02.26. That the petitioner is quite innocent has committed no offence and has falsely been implicated in this false and concocted case. That no objectionable article has been recovered from the house of the petitioner and story of recovery of four cartridges including alleged discloser of calculation made in diary was calculation of sailing smack is out and out false and creation of mind of the informant in order to make out a serious case against him at the instance of enemies. That mandatory provision of search and seizure

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| <p><b><u>20.06.2026</u></b></p> | <p>has been violated in this case firstly alleged search was not made under audio video electric means and secondly no local inhabitants has been made witness of alleged search and seizure. Two police constables of raiding team has made witnesses of search and seizure while according to provision of section 105 of B.N.S.S. it has clearly been provided that search and seizure and signing of seizure list witnesses shall be recorded by any audio video electronic means and secondly local inhabitants shall be called to attend the search and seizure and if they refuse to do the same without any reasonable ground the officer making search shall be issue notice to them and they shall be deemed to have committed an offence U/s 222 of B.N.S. corresponding section 187 of I.P.C. In such view of the matter non-compliance of mandatory provision of search and seizure creates doubt about alleged search and seizure. That moreover section 25(1-A), 26(II) of the Act is not applicable in this case because there is no recovery of fire arms. There is simple case of recovery of four cartridges only while section 45(d) of the Act clearly speaks that the accusation, possession or carrying by a person of minor parts of arms or ammunition which are not intended to be used along with complementary parts acquired or possessed by that or any other persons. In the case of Chan Hong Sai Vs State reported in 2012 SCC 3320 by Hon'ble Supreme Court that recovery of cartridge without fire arms is minor ammunition which is protected under clause (d) of section 45 of the Arms Act. That there is no other offence alleged to have committed by the petitioner in this case, in such view of the matter, the petitioner deserves to be bailed out. That the petitioner is law abiding citizen having every respect and regard for the law of the land. That the petitioner is ready to furnish sound bail bonds of local bailors.</p> |
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| <p><b><u>20.06.2026</u></b></p> | <p>3. Per contra, Ld. A.P.P. for the State has vehemently opposed prayer for regular bail and submitted that the accused-petitioner is named in F.I.R., there is direct and specific allegations against this petitioner, and chargesheet has been submitted by police.</p> <p>4. As per written application of Informant-<b>Gaurishankar Baitha</b> (S.H.O. Rajapakar), the prosecution's case in short is that, on 24.02.2026 at 03:15 pm, informant along with police personnel Sajeevan Paswan, Rajendra Kumar, Dharamraj Paswan, Vikash Kumar, Rambalak Rai conduct a raid, during raid informant received a secret information regarding illegal trade of arms, ammunition and narcotic substances, a police team conducted a raid at the house of accused Rajkumar. During the raid, the accused attempted to escape but was apprehended. Upon search of his body nothing was recovered. Search of his house resulted in recovery of four live cartridges, two electronic weighing scales, four mobile phones, cash Rs. 17,000/- and three diaries containing transaction records. The accused disclosed that the weighing scales were used for weighing smack and the seized cash represented proceeds of narcotic sales. Examination of the mobile phones revealed whats app chats and photographs relating to narcotic transactions. Accordingly, the recovered articles were seized, the accused was arrested and the present case was instituted under the relevant provisions of the Arms Act and other applicable laws.</p> <p>5. Heard both sides, and perused the L.C.R., and C.D. the accused-petitioner is in custody since 25.02.2026. As per F.I.R. nothing recovered from his body. After investigation police has already submitted the charge-sheet.</p> |
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| <p><b><u>20.06.2026</u></b></p> | <p><b>6.</b> Hence, in the light of above said, I am inclined to grant privilege of regular bail to this accused petitioner, the same is hereby, <b>allowed</b>. It is ordered that accused-petitioner be enlarged on bail on furnishing of bail bond Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Ld. Court below. Subject to the filing of undertaking about his criminal antecedent and that he will fully co-operate in trial of this case.</p> <p><b>7.</b> O/C will send the copy of this order along with L.C.R. to concerned Ld. Court below for kind information and needful.</p> <p><b>8.</b> The Steno is directed to upload the order on the C.I.S.</p> <p style="text-align: right;">District &amp; Addl. Sessions Judge-III,<br/>Vaishali at Hajipur,<br/>20.06.2026</p> |
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