

In the Court of Sessions Judge, Vaishali

B.P. No. 378/2026

1. Shahbaz Khan, aged about 28 years, S/o Asfak Khan, Resident of village-Sultanpur, P.S. -
Desari, District – Vaishali. :- Petitioner

Versus

State of Bihar

:- O.P.

Appearance :-

Learned counsel for the petitioner :- Md. Shahbaz Alam, Advocate

Learned P.P. for the State : Sri Shyam Babu Rai, P.P.

Present : Harshit Singh,
Sessions Judge, Vaishali.

Date of order : 24th April 2026

The regular bail petition of the above named accused petitioner has been filed u/s 483 of B.N.S.S., petitioner is in judicial custody since 02.03.2026, in connection with Desari P.S. Case No. 80/2026 registered u/ss. 25(1-b)a, 26 and 35 of Arms Act.

Heard the learned counsel for the accused petitioner and learned Public Prosecutor for the State and perused the record.

It is stated in Para 2 of the bail petition that no petition for bail either regular or anticipatory has been moved on behalf of the petitioner before this court or before the Hon'ble High Court, Patna.

The prosecution case is that on 01.03.2026 at about 04:00 A.M., the police party of Desari P.S., Vaishali, while on night patrolling, received secret information that one Sahbaaz Khan was carrying an illegal firearm. Acting on the information, the police reached near his house at village Sultanpur. On seeing the police, the accused attempted to flee but was chased and apprehended. Upon search, one country-made pistol along with two magazines and a total of 10 live cartridges (7.65 mm) were recovered from his possession. The accused failed to produce any valid license or documents and disclosed that he had purchased the arm and ammunition from Ravi Kumar. The recovered articles were seized, and the accused was arrested.

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Learned counsel for the petitioner submits that the petitioner is innocent, has committed no offence and he has falsely been implicated in this case. It has been further submitted by the learned Counsel on behalf of the petitioner that no arms or cartridges have been recovered from the conscious possession of the petitioner. The police did not comply with the provision of Section 103 of the B.N.S.S. [Section 100 of Cr.P.C.] at the time of seizure. Therefore, the seizure is not in accordance with law. At the instance of the petitioner's enemies, the police have implicated the petitioner in this false case. Besides this, petitioner has no criminal antecedent and he is in custody since 02.03.2026. It is, therefore, prayed to enlarge the petitioner on bail.

The learned Public Prosecutor for the State opposed the prayer for bail.

Heard both the parties and perused the materials available on the record, it appears that the petitioner namely Shahbaz Khan has been apprehended on the basis of credible secret information and from whose conscious possession one illegal firearm along with magazines and 10 live cartridges has been recovered. The nature of accusation is serious, involving offences u/ss 25(1-b)a, 26 and 35 of Arms Act, which relate to illegal possession of firearm and ammunition without any valid licence. The manner of recovery prima facie indicates conscious and unauthorized possession of arm and ammunition. The informant in his re-statement vide para no. 4 and other witnesses vide para nos. 5, 6 and 7 supported the factum of occurrence. As per the report of Arms Inspector, the weapon was found to be effective.

Therefore, considering the gravity of the offence, the nature of evidence collected, this court is not inclined to enlarge the privilege of bail to the petitioner at this stage. Accordingly, the prayer for regular bail of the petitioner is hereby rejected.

(Dictated)

(Harshit Singh)
Sessions Judge, Vaishali

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Present : Harshit Singh

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Date of Order	24.04.2026
Date of Uploading	29.04.2026
Uploaded by	A.K.