

IN THE HIGH COURT OF JHARKHAND AT RANCHI
I.A. No.3209 of 2020
In
Cr. Appeal (S.J.) 18 of 2020

Md. Khurshid Ansari **Appellant**

Versus

State of Jharkhand**Respondent**

With

I.A. No.2452 of 2020

In

Cr. Appeal (S.J.) 119 of 2020

Rajak Ansari @ Rajjak Ansari **Appellant**

Versus

The State of Jharkhand**Respondent**

With

I.A. No.3515 of 2020

In

Cr. Appeal (S.J.) 77 of 2020

Sarwar Ansari **Appellant**

Versus

The State of Jharkhand**Respondent**

CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Appellants :Mr. J.S. Tiway, Advocate (in Cr. A.
(SJ) No. 18/2020)
Ms. Talat Parween, Advocate (in
Cr.A (SJ) No. 119/2020)
Mr. Asif Khan, Advocate (in
Cr.A (SJ) No. 77/2020)
For the State :Mr. Azeemuddin, APP (in
Cr.A (SJ) No. 18/2020)
Mr. G.S. Prasad, APP (in
Cr.A (SJ) No. 119/2020)
Mr. Ravi Prakash, A.P.P(in
Cr.A (SJ) No. 77/2020)

06/Dated: 24.06.2020

I.A. Nos. 3209 of 2020, 2452 of 2020 & 3515 of 2020

1. The interlocutory applications have been filed under Section 389(1) of the Code of Criminal Procedure for suspension of the sentence and grant of ad-interim bail to the appellants namely Md. Khurshid Ansari, (in Cr. Appeal (S.J.) No. 18/2020), Rajak Ansari @ Rajjak Ansari (in Cr. Appeal (S.J.) No. 119/2020 & Sarwar Ansari (in Cr. Appeal (S.J.) 77 of 2020) during the pendency of the appeals.

2. The appellants have been convicted for the offence under Sections 25 (1-A/35, 26 (2) of the Arms Act vide judgment dated 18.12.2019, passed by the court of learned Additional Sessions Judge-II, Lorhardaga, in S.T. No.70 of

2018 and they have been sentenced to undergo R.I of five years and to pay a fine of Rs.5,000/-, in default, thereof, to undergo simple imprisonment of one month on each count for the offence under Sections 25(1-A)/35 and Section 26(2) of the Arms Act.

3. Heard the learned counsel for the appellant and learned A.P.P. Perused the observation of the Supreme Court in **Sahib Singh Vs. State of Punjab** dated 13.09.1996 relied by learned counsel for the appellants. On perusal of materials on record it appears that PW-4-Sargent Major has stated that he had received the material exhibits, i.e., the country-made pistols, magazines and ammunitions in sealed condition. It appears from materials on record that the police received confidential information that three miscreants riding a motor-cycle were carrying arms and ammunitions and accordingly the motor-cycle was intercepted whereupon the motor-cycle riders tried to flee. The accused were chased and apprehended by the police personnel and in presence of independent witnesses search was carried out and two live cartridges and two magazines were recovered and seized from the possession of appellant-Md. Khurshid Ansari, a automatic country-made pistol and live cartridges alongwith magazines were recovered from the possession of appellant-Sarwar Ansari and a country made pistol, two magazines and two live cartridges were recovered from the possession of Rajak Ansari @ Rajjak Ansari. PWs 1, 2, 3 & 5 are the police personnel and they have stated about the recovery of the arms and ammunitions respectively, from the possession of the appellants.

In view of the materials on record, I am not inclined to suspend the sentence and enlarge the above named appellants on bail, accordingly I.A. No. 3209 of 2020, I.A. No.2452 of 2020 & I.A. No.3515 of 2020 stand rejected.

(AMITAV K. GUPTA, J.)