

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70169 of 2021**

Arising Out of PS. Case No.-453 Year-2021 Thana- BRAHMPUR District- Buxar

MANTU YADAV Son of Bhagwan Yadav Resident of Village- Chakki
Madhura Dera, P.S.- Chakki O.P., District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar, Adv.

For the Opposite Party/s : Mr.Akbar Ali, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 25-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 30(a) of the Bihar prohibition and Excise (Amendment) Act and Sections 25 (1-b)a and 26 of the Arms Act.

The prosecution case, in short, is that the informant received secret information that a person would move from Chakki to Gayghat through Biseswar dera carrying illicit liquor and as such, police started vehicle checking. During the course of vehicle checking, one motor cycle rider tried to fled away but



he fell down and thereafter threw away some articles from his waist into the bush and local chowkidar identified the culprit as Mantu Yadav and Mantu Yadav succeeded in fleeing away from there. A country made loaded pistol was also recovered from the bush.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in connection with the present case merely on suspicion. It is further submitted that it appears from the seizure list that the alleged recovery of liquor and the loaded country made pistol were not recovered from the motorcycle rather the same has been recovered from the bush. It is further submitted that the petitioner is in custody since 15.09.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above name, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Brahmpur (Chakki O.P.) P.S. Case No. 453 of 2021 with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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