

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38305 of 2023

Arising Out of PS. Case No.-222 Year-2021 Thana- GUTHANI District- Siwan

SATYENDER YADAW Son of Raj Mangal Yadaw @ Raj Mangal Resident
of village - Rustam Bahiyari, P.S. - Bankata, Distt. - Deoria (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 25 (1-b)a, 26 and 35
of the Arms Act and Section 30(a) of Bihar Prohibition and
Excise Act.

As per allegation in the FIR, during patrolling, a four
wheeler coming from UP, was signalled to stop and co-accused,
driver, Sunil Chauhan waa apprehended by the police and on
search one loaded country made pistol and 143 litres illicit
liquor which was kept beneath the seat were recovered. He
disclosed the name of co-accused Bhola Yadav, who managed to
escape. The vehicle-in-question belongs to the petitioner.

It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case only because he is owner of the said vehicle. He was not apprehended on spot. The name of the petitioner has transpired in the confessional statement of apprehended co-accused, before the police, which has no evidentiary value in the eye of law. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Petitioner is languishing in judicial custody since 16.5.2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, Siwan in connection with Guthani PS Case No. 222 of 2021.

(Sunil Kumar Panwar, J)

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