

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51099 of 2023

Arising Out of PS. Case No.-234 Year-2023 Thana- LAXMIPUR District- Jamui

Birendra Yadav @ Biran Yadav S/O Late Sitaram Yadav R/O Village-
Anandpur, Ps. Laxmipur, Dist.Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Raj

For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under sections 25(1-b)a, 26 of the Arms Act and Section 37 of the Bihar Prohibition and Excise Amendment Act, 2022.

3. Prosecution case relates to recovery of one country made pistol and eight live cartridges from the possession of the petitioner with motorcycle. Petitioner was apprehended on spot in drunken position.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. The seized



motorcycle belongs to petitioner. To make the case grievous, police has prepared a seizure list, showing the false recovery of arms from possession of the petitioner, after procuring his signature in plain paper. Petitioner is languishing in judicial custody since 21.5.2023.

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

6. 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 CJM, Jamui in connection with Laxmipur P.S. Case No. 234 of 2023.

(Sunil Kumar Panwar, J)

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