

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52319 of 2023

Arising Out of PS. Case No.-588 Year-2023 Thana- NAWADA District- Nawada

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1. PINTU YADAV SON OF JADDU YADAV RESIDENT OF VILLAGE-SHALUGANJ, PS- MUFASIL, DIST- NAWADA
 2. MITHLESH YADAV SON OF PARSADI YADAV RESIDENT OF VILLAGE- SINGHOUL PURNADIH, PS- MUFASIL, DIST- NAWADA AT PRESENT BHAGWAT/BHARAT BIGHA, PS- WARSALIGANJ, DIST- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate.

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-08-2023 Heard Mr. Birendra Kumar, learned counsel appearing on behalf of the petitioners and Mr. Pawan Kumar Chaurasia, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Nawada (Town) P.S. Case No. 588 of 2023 registered for the offence punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act and Section 37 of the Bihar Prohibition and Excise Act.

3. During the course of patrolling by the police party, 01 loaded country made pistol and 12 live cartridges was recovered from the co-accused Anil Yadav. He was also found in drunken condition and 90.2 mg/100ml intoxicant has been reported. Petitioners are said to have relative of co-accused Anil Yadav.



4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are not involved in any manner in consumption of liquor. However, the breather analyzer report cannot be taken as an evidentiary value and in absence of any bio-chemical report, the same cannot be relied upon. Petitioners have been roped in this case because they happen to be relative of co-accused Anil Yadav.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Considering the nature of allegation, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-I, Nawada in connection with Nawada (Town) P.S. Case No. 588 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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