

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74770 of 2022

Arising Out of PS. Case No.-22 Year-2021 Thana- DELHA District- Gaya

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MANTU YADAV @ NAND LAL KUMAR SON OF JAGDISH YADAV R/O
MOHALLA- NEW GODOWN, PAHSI LANE, P.S.- KOTWALI, DISTRICT-
GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Priya Ranjan, Adv.

For the Opposite Party/s : Mr.Md. Matloob Rab, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 03-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30(a) of Bihar
Prohibition & Excise Amendment Act, 2018 and 25 (1-b) of
Arms Act.

Allegedly, Rs. 10,61,920/-, jewellery, live cartridge,
12.750 litres of illegal wine and other incriminating articles
have been recovered from the room of wife of the petitioner.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No
such occurrence as alleged ever took place. He has been falsely
implicated in this case due to ulterior motive. The allegation



levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that nothing has been recovered from the conscious possession of the petitioner rather the seized articles have been recovered from the house of in-laws of the petitioner from which he has no concern. Petitioner was neither apprehended from the spot nor his wife was present at the time of raid in the alleged house. Similarly situated co-accused, namely, Arti Kumari, who is wife of the petitioner, has been enlarged on bail by a co-ordinate bench of this court vide order dated 23.12.2021 passed in Cr. Misc. No. 69125 of 2021. Petitioner has six criminal antecedents as mentioned in para-3 of this application and supplementary affidavits.

Learned APP for the State vehemently opposing the bail petition submitted that the allegation levelled against the petitioner is serious in nature, hence he does not deserve anticipatory bail.

Considering the facts and circumstances of case, as many incriminating articles have been recovered from the room of wife of the petitioner, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioners is hereby rejected.

However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular



bail, the learned Court below shall pass order in accordance with law without being prejudiced by this order on the very date of surrender.

(Anjani Kumar Sharan, J)

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