

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6286 of 2023

Arising Out of PS. Case No.-388 Year-2022 Thana- JAYNAGAR District- Madhubani

BHOGI YADAV @ YOGI YADAV S/o Ramcharitar R/o Village- Akaunha,
P.S.- Deodha, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-04-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Jaynagar P.S. Case No. 388 of 2022 dated 19.10.2022 registered
for the offences punishable under Section 414 of the Indian
Penal Code and Sections 30(a) and 41 of Bihar Prohibition and
Excise Act.

3. The main submissions advanced by petitioner's
counsel are that the instant matter relates to the recovery of
451.500 litres of Nepali country made liquor and as per the
allegation, the said liquor was recovered from five motorcycles
but the petitioner was not apprehended at the spot and one
person namely Rambabu Yadav is stated to have been arrested at
the spot, who disclosed the name of this petitioner as well as



other co-accused persons, out of them three co-accused persons namely Mukesh Kumar Yadav @ Mukesh Yadav, Bachcha Yadav and Lalbabu Yadav, who are carrying similar nature of allegation, have been granted anticipatory bail by different Benches of this Court vide orders dated 20.04.2023 passed in Cr. Misc. Nos. 10016/2023 and 6591/2023 respectively. It is further submitted that the petitioner has no concern with the seized liquor as well as the seized motorcycles and has been languishing in jail since 20.10.2022, though, against the petitioner there are criminal antecedents of nine cases but he has been dragged in all these cases one by one mainly on the basis of disclosure of the co-accused persons and others on unlawful grounds and moreover, the petitioner has got bail in all the said cases of his criminal antecedents and the investigation has been completed against the petitioner in the present matter.

4. Learned APP appearing for the State has opposed the bail prayer and submitted that there is serious allegation against the petitioner and he has criminal antecedents of nine cases.

5. Considering the above submissions and mainly the privilege of bail having been granted to similarly situated three co-accused persons named-above by different Benches of this



Court and petitioner's case is completely identical to the said co-accused persons in respect of the nature of allegation and he was not apprehended at the spot and his name came into light in the statement of the co-accused person who was arrested at the spot and against him the investigation has been completed, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail **after framing of charge**, on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Jaynagar P.S. Case No. 388 of 2022.

(Shailendra Singh, J)

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