

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42028 of 2023

Arising Out of PS. Case No.-249 Year-2021 Thana- BRAHMPUR District- Buxar

BHIKHARI YADAV @ DEEPU YADAV @ DEEPU S/O MAHESH YADAV
R/O Chhotaka Purwa, P.S- Brahampur, Distt.- Buxar, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-07-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with N.D.P.S. Case No. 18 of 2021 arising out of Brahampur (Krishnabraham) P.S. Case No. 249 of 2021, for the offences registered under Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 20(II), 22 and 25 of the NDPS Act inasmuch as the earlier petition filed by the petitioner for grant of regular bail was dismissed by this Court vide order dated 04.01.2023 passed in Criminal Misc. No. 20775 of 2022.

The case of the prosecution, in brief, is



that the informant got secret information on 23.5.2021 at about 17:45 hours that at the village Dubhki crossing near Brahmsthan, the petitioner along with his accomplice is going to arrive for selling heroine, whereupon the informant along with his police force had left for the said place of occurrence, where one person was standing with his motorcycle and upon seeing the police force, he tried to flee away, but was apprehended by the police and upon interrogation, he disclosed his name to be Bhikari Yadav i.e. the petitioner herein. It is also alleged that the police had conducted search of the apprehended petitioner and had recovered one country made pistol, two live cartridges and 10 grams of heroine.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 24.05.2021 and as far as the other criminal cases are concerned, in which he is an accused, he has either been subsequently named in those cases as an accused,



merely on the confessional statement of the co-accused persons or he has not yet been remanded, hence he is not having any complicity in those cases.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and have gone through the materials on record from which the complicity of the petitioner in the alleged crime is writ large apart from the fact that the petitioner is having a bad antecedent, inasmuch as, he is stated to be an accused in 13 other criminal cases and moreover, there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of regular bail, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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