

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27264 of 2024

Arising Out of PS. Case No.-89 Year-2023 Thana- BASOPATTI District- Madhubani

Bhogendra Yadav @ Bhogendra Kumar Yadav Son of Ramashish Yadav
Resident of Village- Kataiya, P.S.- Basopatti, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Sah, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 09-08-2024 Heard Mr. Bhavesh Sah, learned counsel appearing on behalf of the petitioner and Mr. Parmanand Kumar, learned APP appearing on behalf of the State.

2. Petitioner seeks pre-arrest bail in connection with Basopatti P.S.Case No.89 of 2023 corresponding to G.R. No.620 of 2023, registered for the offences punishable under Sections 272, 273 and 353/34 of the Indian Penal Code and Sections 30(a) and 45 of Bihar Prohibition & Excise Act.

3. As per the allegation made in the FIR, the police seized 108 ltrs. of Nepali country-made liquor from a motorcycle. Name of the petitioner has surfaced, in course of investigation, on the basis of confessional statement made by co-accused, Suraj Kamat, who is named in the FIR.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and he has no relationship with co-accused Suraj Kamat and he is not engaged in illicit trade of liquor, which is being carried in the district of Madhubani in the most organized manner, in which the higher government officials are also engaged and the real culprit are not made accused by the police officers. The petitioner has been made victim in the present case. Learned counsel further submits that the petitioner will give his personal undertaking that in future he will not be engaged in any illegal criminal act. One co-accused, for similar allegation, has already been granted bail vide order dated 29.11.2023 passed in Cr. Misc. No.75436 of 2023. On these grounds, petitioner seeks to be released on bail.

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

6. Having considered the rival submissions made on behalf of the parties and considering the nature of allegation of recovery of 108 ltrs. Nepali country-made liquor, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the court of the learned Additional Sessions Judge II cum Special Judge, Excise Act, Madhubani in connection with Basopatti P.S.Case No.89 of 2023 corresponding to G.R. No.620 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J.)

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