

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51308 of 2024

Arising Out of PS. Case No.-240 Year-2022 Thana- BASOPATTI District- Madhubani

Bhogendra Yadav @ Bhogendra Kumar Yadav Son Of Ramashish Yadav
Village- Kataiya, Ps- Basopatti, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Basopatti P.S. Case No. 240 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

03. As per prosecution case, two persons started running on seeing the police party leaving behind their motorcycle. They were chased and apprehended. On search of the motorcycle recovery of 27 litre of country made Nepali liquor was made. The apprehended co-accused persons disclosed the named of this petitioner who supplied them with illicit liquor.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.

Noting incriminating has been recovered from person or possession of this petitioner. Except for confessional statement of the co-accused persons, there is no material against the petitioner to connect him with the offences as alleged. The petitioner has no concern with the motorcycle from which recovery has been shown. The petitioner is having antecedent of three cases and in all these cases he is on bail.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits that petitioner is having antecedent of three cases of similar nature.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and further considering lack of substantive material to connect the petitioner with the offences as alleged and further considering possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Madhubani in connection with Basopatti P.S. Case No. 240 of

2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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