

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25503 of 2025

Arising Out of PS. Case No.-38 Year-2024 Thana- BASOPATTI District- Madhubani

Bhogendra Kumar Yadav @ Bhogendra Yadav S/o Late Ramashish Yadav @
Ramashisha Yadav R/o Village- Kataiya (Jatiya Koriya Tol), P.S.- Basopatti,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr.Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Basopatti P.S. Case No. 38 of 2024 instituted for the offences
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered
total 387 liters of illicit liquor from three motorcycles.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
He further submits that nothing incriminating has been
recovered from the conscious possession of the petitioner. The
alleged seized motorcycles do not belong to the petitioner. The



petitioner has also no concern with the seized liquor. The name of the petitioner has surfaced in this case on the basis of the disclosures made by the arrested co-accused Pramod Mahto and Manoj Sahni. The petitioner has never indulged in the illegal trade and transport of the illicit liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has four criminal antecedents and is languishing in judicial custody since 21.01.2025 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused has been granted bail by this Court vide order dated 08.05.2024 passed in Cr. Misc. No. 35310 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Basopatti P.S. Case No. 38 of 2024, subject to the following conditions;



(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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