

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86754 of 2024

Arising Out of PS. Case No.-9 Year-2021 Thana- SAHARGHAT District- Madhubani

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Badya Nath Yadav @ Baidya Nath Yadav @ Vaidh Nath Yadav Son of Jogi
Yadav Resident of Village- Aajnauli, Police Station- Bisfi (Patauna), Distt.-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 17-01-2025 1. Heard learned counsel for the parties.
2. The petitioner has preferred this application for
grant of regular bail in connection with Saharghat P.S. Case no.9
of 2021 registered under sections 272, 273 and 34 of the Indian
Penal Code.
3. As per the prosecution case, 405 litres of Nepali
liquor was recovered from the magic van and the accused were
caught.
4. Learned counsel for the petitioner submits that the
petitioner was not caught at the place of occurrence. He has
been falsely implicated in the case only for the reason that he
happens to be the registered owner of the vehicle from which



the alleged recovery is said to have taken place. No incriminating article has been recovered either from his possession or from his vehicle. Co-accused Rakesh Mahto and Shiv Shankar Mahto have been enlarged on regular bail vide order dated 26.11.2021 passed in Cr. Misc. no. 26573 of 2021. The petitioner is in custody since 25.10.2024, charge-sheet has been submitted in the case and he has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P for the State.

6. A report with respect to antecedent of the petitioner was called for from the Superintendent of Police, Madhubani. As per the report received contained in letter dated 13.1.2025, the petitioner has no criminal antecedent.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the petitioner not having been arrested at the spot, his having remained in custody since 25.10.2024, charge-sheet having been submitted in the case and the petitioner not having any criminal antecedent, the petitioner is directed to be enlarged on bail in connection with Saharghat P.S. Case no.9 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned



2nd Additional Sessions Judge-cum-Special Judge, Excise Act,
Madhubani.

(Partha Sarthy, J)

Shiv/-

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