

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No 50395 of 2021**

Arising Out of PS. Case No.-218 Year-2021 Thana- GOGRI District- Khagaria

LELHO YADAV Son of Remdeo Yadav Resident of Village - Ward No.- 8,  
Usari, P.S.- Gogri, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr Vijay Anand, Advocate

For the Opposite Party/s : Mr Arvind Kumar Pandey, APP

**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

**2      10-03-2022**                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor (for brevity, *APP*) appearing for  
the State of Bihar.

The petitioner seeks bail in Gogri Police Station (for  
brevity, *PS*) Case No 218 of 2021 dated 22.05.2021 instituted  
for the offence punishable under Section 30 (a) of Bihar  
Prohibition and Excise Act.

25 liters of Desi Mahua Liquor has been recovered  
from a house leading to petitioner's arrest.

It is stated that recovery is from the joint property and  
the petitioner cannot be held liable for the same. The alleged  
recovery is also in contravention of mandatory provision of  
seizure, prescribed under Section 100 of Criminal Procedure



Code. Petitioner is in custody since 13.06.2021. Having no criminal antecedent, he has become the victim of the circumstances.

The learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court is inclined to accept the submission of the petitioner's counsel for the purposes of grant of bail.

Having regard to the aforesaid facts, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge (Excise), Khagaria in Gogri PS Case No 218 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.



Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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