

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71109 of 2021

Arising Out of PS. Case No.-138 Year-2021 Thana- GOGRI District- Khagaria

MAHATMA YADAV Son of Late Nageshwar Yadav Resident of Village-
Pitaunjhia, P.S.- Gogari, District- Kahgaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Gogari P.S. Case No. 138/2021 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

The allegation, as per the First Information Report, is
that 25 litres of illicit country made liquor along with utensils
has been recovered from the hutment (*Basa*) of the petitioner.

Learned counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and he has falsely been implicated in this case with oblique
motive. He further submits that illicit liquor has not been
recovered from his conscious possession and/or Basa, but, due



to local rivalry, his name has been disclosed in the present offence. He also submits that at the time of search and seizure the procedure prescribed under Section 100 Cr. P.C. was not followed.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that petitioner is in custody since 17.10.2021 having clean antecedent and there is no recovery from possession of the petitioner and/or his hutment, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise, Khagaria, in connection with Gogari P.S. Case No. 138 of 2021.

(Anil Kumar Sinha, J)

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