

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32961 of 2025

Arising Out of PS. Case No.-103 Year-2025 Thana- BAKHTIYARPUR District- Patna

Upendra Yadav S/o Raghuvir Ray Resident of Village- Chiraiya, P.S.-
Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Premchandra Yadav, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

3. Perusal of the first information report and the
seizure list, would go to show that total 35 liters of country
made liquor is said to have been recovered from two gallons
which were found near the Ganga river and it has been alleged
that the petitioner was apprehended on chase.

4. It is submitted by learned counsel for the
petitioner that there is no recovery from the conscious or
physical possession of the petitioner rather the place of recovery
is an open place and easily accessible to anyone. There is



violation of the mandatory provisions of the search and seizure as there is no independent witness to the seizure list. The petitioner has only been arrested on suspicion and has been languishing in custody since 10.03.2025.

5. Learned APP for the State opposes the prayer for bail on the ground that petitioner has one criminal antecedent of similar nature of the offence. However, it is submitted that the petitioner is on bail in the said case.

6. Taking into consideration the fact and circumstances of the case, the above named petitioner is directed to be enlarged on bail 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 Court below where the case is pending/successor Court in connection with Bakhtiyarpur P.S. Case No.103 of 2025.

(Soni Shrivastava, J)

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