

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78198 of 2025

Arising Out of PS. Case No.-38 Year-2024 Thana- SALAIYA District- Aurangabad

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Kundan Yadav @ Kundan Kumar S/O Siddheshwar Yadav R/O Village-
Sonarchak, P.S- Salaiya, Distt.- Aurangabad (Bihar). .. Petitioner/s

Versus

The State of Bihar .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aman Vishal, Adv

For the Opposite Party/s : Mr. C. Jawahar, APP

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

ORAL ORDER

2 19-11-2025 Heard learned counsel for the petitioner and learned

APP for the State.

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

3. The prosecution case, in short, is that 15 liters of
country made liquor was recovered from Chalho Hill
(mountain).

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no concern with the alleged recovery of liquor. It is submitted
that recovery is made from an open place, which is accessible to
public at large. The petitioner is in custody since 27.08.2025 and
has got seven criminal antecedents. There is no compliance of



Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Salaiya P.S. Case No. 38 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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