

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79678 of 2025**

Arising Out of PS. Case No.-243 Year-2018 Thana- OBRA District- Aurangabad

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Fulendra @ Phulendra Yadav @ Fulendra Yadav @ Sahendra Yadav S/o  
Surya Dayal Yadav R/o Village- Mahadeva, PS- Obra, District- Aurangabad  
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mrs. Rupa Kumari, Advocate

For the Opposite Party/s : Mrs. Rita Verma, APP

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

ORAL ORDER

2      25-11-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Obra  
P.S. Case No. 243 of 2018, instituted for the offences punishable  
under Sections 30(a), 30(b) and 30(d) of the Bihar Prohibition  
and Excise Act.

3. Earlier, anticipatory bail of the petitioner has been  
rejected by a co-ordinate Bench of this Court vide order dated  
30.04.2025 passed in Cr. Misc. No. 20381 of 2025.

4. The prosecution case, in short, is that 27 liters  
liquor was recovered from field near river bank.

5. 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. Learned counsel for the petitioner also submits that the the alleged recovery has been made from an open field and the same is easily accessible to the public at large. It is further submitted that the petitioner was not arrested on spot. Name of the petitioner has transpired in this case on the basis of disclosure made by local people. The petitioner is in custody since 04.09.2025 and has got three criminal antecedents in which he is on bail. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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

7. 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.

8. Let the petitioner be released on bail 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 Obra P.S. Case No. 243 of 2018, 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)**

Rajorshi/-

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