

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7904 of 2026**

Arising Out of PS. Case No.-28 Year-2025 Thana- SALAIYA District- Aurangabad

Upendra Yadav S/O Brahmdeo Yadav @ Dharmdeo Yadav R/O Village-Gajraj
Bigha,P.S-Salaiya,District-Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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

ORAL ORDER

2 02-02-2026 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. 28 of 2025, instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 150 liters
liquor was recovered from bush.

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. Learned counsel
for the petitioner also 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. It is next submitted that the alleged recovery has been made from an open place and the same is easily accessible to the public at large. The petitioner is in custody since 23.12.2025 and has got six criminal antecedents in which he is on bail. Learned counsel for the petitioner further submits that other co-accused has been granted regular bail by this Court vide order dated 03.11.2025 passed in Cr. Misc. No. 74984 of 2025. 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 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. 28 of 2025, 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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