

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10091 of 2026

Arising Out of PS. Case No.-190 Year-2025 Thana- GHOGHARDIHA District- Madhubani

Santosh Kumar Yadav S/O Uttamlal Yadav @ Uttimlal Yadav R/O Village-
Basuari, P.S- Ghoghardiha, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jaishankar Kumar Yadav, Advocate
For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, A.P.P.

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

ORAL ORDER

2 19-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Ghoghardiha P.S. Case No. 190 of 2025, instituted for the offences punishable under Sections 274, 275 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and u/s 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 909 liters of Nepali liquor was recovered from orchard.

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. The name of the



petitioner has been disclosed by the apprehended person. Learned counsel for the petitioner further submitted that the recovery has been made from orchard, which is an open place and is accessible to public at large. The petitioner is in custody since 16.12.2025 and has got two 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 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 Ghoghardiha P.S. Case No. 190 of 2025, subject to the following conditions:

(I) One of the bailors shall be the petitioner's own or close member.

(II) The petitioner shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.



(III) The petitioner shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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