

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17576 of 2021

Arising Out of PS. Case No.-26 Year-2020 Thana- KATHAIYA District- Muzaffarpur

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UMESH RAY, LATE NATHUNI RAY, RESIDENT OF VILLAGE
ASWARI BANJARIYA, PS-KATHAIYA, DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 27-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 272, 273 and 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, about 1392 litres of IMFL was recovered from the house of Niranjan Ram who was taken into custody and who disclosed the name of the petitioner and one another as the accused who had managed to escape.

It is submitted by learned counsel for the petitioner that neither the petitioner was arrested at the spot nor any incriminating article has been recovered from his possession.



The alleged recovery is from the house of Niranjana Ram. The false implication of the petitioner is due to his having been made accused in thirteen cases from before. The petitioner is in custody since 24.11.2020 and investigation in the case has concluded.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration that no incriminating article has been recovered from the possession of the petitioner and the name of the petitioner transpiring on confessional statement of co-accused made before the police, the petitioner is directed to be enlarged on bail in connection with Kathaiya P.S. Case no. 26/2020 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 Special Judge, Excise, Muzaffarpur.

(Partha Sarthy, J)

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