

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18050 of 2024

Arising Out of PS. Case No.-103 Year-2023 Thana- DEODHA District- Madhubani

NITISH KUMAR RAY SON OF CHULAHAI RAY R/O-BAIRA, P.S.-
JAYNAGAR, DISTT.-MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr.Gagandeo Yadav, Advocate
: Mr.Ravi Prakash, Advocate
: Mr.Udeshya Kumar Yadav, Advocate
For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

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

ORAL ORDER

- 303-04-20241. Heard learned counsel for the petitioner and learned
APP for the State.
2. The petitioner seeks bail in connection with Deodha
P.S. Case No. 103 of 2023 instituted for the offences punishable
under Sections 272, 273, 414/34 of the Indian Penal Code and
Sections 30(a) & 37 of the Bihar Prohibition and Excise Act.
3. The prosecution case, in short, is that total 1170
litres of illicit Nepali country-made liquor was recovered from
Pickup.
4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious



possession of the petitioner. Learned counsel further submitted that petitioner is neither the owner nor the driver of the vehicle. The petitioner has got no concern with the alleged recovery of liquor. Similarly situated co-accused person has already been granted bail by this Court vide order dated 19.02.2024 passed in Cr. Misc. No. 9040 of 2024. The petitioner is in custody since 20.01.2024 and has two criminal antecedents. There is no compliance of Section 100 of the Cr.P.C.

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, claim based on parity 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. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Deodha P.S. Case No. 103 of 2023.

(Rudra Prakash Mishra, J)

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