

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31001 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- MUSRIGHRARI District- Samastipur

Santosh Kumar @ Awadhesh Kumar Son Of Surya Narayan Kapar Resindent
Of Village- Gunai Basti, Ps- Tajpur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anu Priyadarshni
For the Opposite Party/s : Mr.Ashok Kumar Singh

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

ORAL ORDER

2 23-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Musrighrari P.S. Case No. 38 of 2024 instituted for the offences punishable under Sections 420 and 419 of the Indian Penal Code and 30(a), 33, 36 and 41 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there has been recovery of 500 liters of illegal spirit from the co-accused persons.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner was not apprehended on spot. Petitioner has no concern with the alleged recovery of spirit and the place of



occurrence does not belong to him. No incriminating article has been recovered from the conscious possession of the petitioner. The provision of Section 100 of the Cr.P.C. has not been followed in this case. On the basis of suspicion, petitioner has been implicated in the present case. The petitioner is in custody since 21.03.2024 and has one criminal antecedent.

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 as well as 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 Musrighrari P.S. Case No. 38 of 2024.

(Rudra Prakash Mishra, J)

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