

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35993 of 2024

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

Md. Chand Son of Late Md. Shamshul R/O Vill-Tajpur (Pani Tanki) Baheliya
Tola Ward No 7, P.S.-Tajpur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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

ORAL ORDER

2 10-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

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

3. As per prosecution case, the police has recovered altogether 600 liters spirit from the house of the co-accused Umesh Kumar @ Nanki and from a Santro car bearing Regd. No. BR1AC 9241.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the place of recovery or the alleged car. The seized mobile belongs to the petitioner. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has three criminal antecedents and, in all of them, he is on bail and is languishing in judicial custody since 21.03.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused Rajnarayan @ Raj Narayan Ray has been granted bail by this Court vide order dated 02.05.2024 passed in Cr. Misc. No. 34613 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner and the claim for bail being based on parity, let the petitioner, abovenamed, 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 Musrigharari P.S. Case No. 38 of 2024.

(Rudra Prakash Mishra, J)

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