

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34383 of 2024

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

Umesh Kumar @ Nanki @ Umesh Kumar Nanki S/o Raju Singh @ Rojo Singh Resident of village- Fatehpur, P.S.- Musrigharari, Dist- Samastipur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 02-05-2024 Heard learned counsel for the petitioner and learned APP for the State.

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

3. The prosecution case, in short, is that, 600 liters spirit was recovered from a car and from the house of the petitioner. The petitioner was apprehended on spot.

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 spirit. It is further



submitted tha the alleged recovery has been made from the under constructed house of the petitioner which is a joint family property. The petitioner is in custody since 21.03.2024 and has got two criminal antecedents in which the petitioner is on bail. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 23.04.2024 passed in Cr. Misc. No. 31001 of 2024. There is no compliance of Section 100 of 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, the period of custody undergone by the petitioner and claim based on parity, 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/- (Rupees 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)

Rajorshi/-

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