

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35103 of 2024

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

Krishna Kumar @ Krishna Kumar Sahni @ Krishna Sahni SON OF
BAIDYANATH SAHNI R/O VILLAGE-Kudhha, P.S.- BOCHAHAN, DIST-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Roy, Advocate, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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

ORAL ORDER

2 07-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Musarigharari P.S. Case
No. 38 of 2024, instituted for the offences punishable under
Sections 420 and 419 of the Indian Penal Code and 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 a house. 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 that the alleged recovery has been made from the under constructed house of Umesh Kumar@ Nanki. The petitioner is in custody since 21.03.2024 and has got no criminal antecedent. 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)

Prakash/-

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