

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35483 of 2024

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

Devendra Paswan S/O Nagendra Pawan R/O Village Kawadih, ward no 10
Police Station- Baligaon District Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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

ORAL ORDER

2 08-05-2024 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 and 420 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, 500 litre spirit and other materials for manufacturing of liquor were recovered from the house of Umesh Kumar @ nanki.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. His name transpired on the confessional statement of co-accused Krishna Kumar Sahni. No incriminating material has been recovered from the conscious possession of the



petitioner. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 21.03.2024 and has got no criminal antecedent. Learned counsel for the petitioner further submits that the said Krishna Sahni has been granted bail vide order dated 01.05.2024 passed in Cr. Misc. No. 35103 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)

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