

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35190 of 2024

Arising Out of PS. Case No.-404 Year-2023 Thana- UJIYARPUR District- Samastipur

Niraj Kumar @ Kari Mahato Son of Rambhrosh Mahto Resident of Village -
Chandchaur, Mathurapur, P.S. - Ujiarpur, District - Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Mandira Sau, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, 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. Learned counsel for the petitioner is directed to
make necessary correction in para 1 of the petition with regard
to date of custody of the petitioner.

3. The petitioner seeks bail in Ujiyarpur P.S. Case No.
404 of 2023, instituted for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

4. The prosecution case, in short, is that, 18 liters
liquor was recovered from Chaknijam Gachhi.

5. 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 liquor. It is further submitted that the petitioner is not named in the F.I.R. Name of the petitioner has transpired on the basis of disclosure made by local chowkidar. The alleged place of recovery does not belong to the petitioner. The petitioner is in custody since 27.03.2024 and has got one criminal antecedent in which the petitioner is on bail. There is no compliance of Section 100 of Cr.P.C.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. 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 Ujiyarpur P.S. Case No. 404 of 2023.

(Rudra Prakash Mishra, J)

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