

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43499 of 2024

Arising Out of PS. Case No.-895 Year-2023 Thana- SARAIYA District- Muzaffarpur

Happy Kumar Singh @ Happy Kumar SON OF Upendra Singh Village-
Bahilwara Govind Police Station -Saraiya District -Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar S.K.

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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

ORAL ORDER

2 24-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Saraiya
P.S. Case No. 895 of 2023 instituted for the offences punishable
under Sections 272, 273 and 34 of the Indian Penal Code and
Sections 30(a), 32(2), 32(3), 36, 41(1), 41(2) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that total 1110.960
liters of IMFL was recovered from a pick-up.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner was not apprehended on spot. The name of the
petitioner has come into light on the basis of confessional
statement of co-accused. No incriminating article has been



recovered from the conscious possession of the petitioner. The petitioner has got no concern either with the alleged recovery of liquor or with the vehicle in question. The petitioner is in custody since 06.04.2024 and has no criminal antecedent. Moreover, it is submitted that the other co-accused has already been granted bail by this Court vide order dated 04.03.2024 passed in Cr. Misc. No. 14598 of 2024. Petitioner has no knowledge regarding the alleged occurrence. There is no compliance of Section 100 of the 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 as well as the period of custody undergone by the petitioner, 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Saraiya P.S. Case No. 895 of 2023.

(Rudra Prakash Mishra, J)

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