

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57219 of 2024

Arising Out of PS. Case No.-132 Year-2023 Thana- MORKAHI District- Khagaria

Umesh Kumar son of Dhorai Sah Village- Pasraha Ps- Pasraha Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

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

ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Morkahi P.S. Case No. 132 of 2023 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered total 205.125 liters of English wine from the trailer of the tractor bearing Regd. No. BR34GA-2683.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has transpired in this case in course of investigation as being the owner of the tractor, in question. The petitioner is the driver of



the alleged tractor and he had no knowledge regarding alleged liquor being kept under the husk. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 06.07.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Kamdev Kumar @ Virendra Kumar @ Kamdev Singh has been granted anticipatory bail by this Court vide order dated 28.06.2024 passed in Cr. Misc. No. 28410 of 2024. Co-accused Gautam Kumar has also been granted bail by this Court vide order dated 05.03.2024 passed in Cr. Misc. No. 5100 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Morkahi P.S. Case No. 132 of 2023.

(Rudra Prakash Mishra, J)

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