

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40129 of 2025

Arising Out of PS. Case No.-334 Year-2024 Thana- BABUBARHI District- Madhubani

Umesh Kumar Singh @ Umesh Singh S/O Bihari Singh R/O Village- Aurahi,
Ward No.01, P.S - Babubarhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mrs. Asha Kumari, APP

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

ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Babubarhi P.S. Case No. 334 of 2024, instituted for the offences punishable under Section (5) of the Bharatiya Nyaya Sanhita, 2023 and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 405 liters liquor was recovered from cattle shed.

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 liquor. Learned counsel



for the petitioner also submits that the petitioner was not arrested at the spot. Name of the petitioner has transpired in this case on the basis of disclosure made by local people. It is further submitted that the alleged recovery has been made from a joint residential premise and not specifically from the exclusive possession of the petitioner. The petitioner is in custody since 29.04.2025 and has got one criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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 and 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Babubarhi P.S. Case No. 334 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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