

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19097 of 2020

Arising Out of PS. Case No.-71 Year-2020 Thana- BIHTA District- Patna

RAMA SHANKAR SINGH @ RAMASHANKAR SINGH Son of Late
Kesar Singh R/o Village - Sadikpur, P.S.- Maner, District - Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner

Mr. Patanjali Rishi, Advocate

For the Opposite Party :

Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 15-05-2020 Heard Mr. Patanjali Rishi, learned counsel appearing on behalf the petitioner and Mr. Mohammed Arif, learned Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of Bihta P.S. Case No. 71 of 2020 dated 24/01/2020 registered for offences under sections 379, 420 and 34 of the Indian Penal Code, 1860 and s. 7 of the Essential Commodities Act, 1955.

It is the case of the prosecution that in course of raid conducted by the Sub Divisional Officer, Circle Officer and Station House Officer in a room behind a tyre shop and adjacent open land, total of 315 liters of diesel and 200 liters of chemical with certain other materials were recovered. There were three persons in the room when the raid was conducted, one of whom managed to escape. The Petitioner and another co-accused was arrested at the spot. Allegedly, the accused persons were



engaged in illegal act of spuriously mixing the Chemical with diesel for sale which constitutes offence under various provisions indicated in the FIR.

Learned counsel for the petitioner has submitted that place from where the recovery has been made does not belong to him which is situated behind one Tyre Shop. He submits that the petitioner was apprehended with co-accused Kanchan Kumar as he was found present at the place of occurrence. He contends that the maximum punishment for the offence punishable under Section 7 of the Essential Commodities Act is seven years. He has submitted that it is a case of mistaken identity, and in any view of the matter, the petitioner has no chance of fleeing away from the course of investigation or trial if regular bail is granted by this Court.

Mr. Mohammed Arif, learned Additional Public Prosecutor appearing on behalf of the State has vehemently opposed the prayer for bail with the plea that since the petitioner was found present at the place of occurrence, considering the gravity of offence, he should not be given the privilege of regular bail.

However, considering the facts and circumstances and the prevailing situation, this application is allowed.



Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, I, Danapur, Patna, in Bihta P.S. Case No. 71 of 2020.

It is indicated that if the petitioner is found indulging in such activities in future, the prosecution shall be obliged to apply for cancellation of his bail granted in the present matter.

This application is allowed with the aforesaid observation.

All the defects, which have been pointed out by the Stamp Reporter must be removed within two months from today.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by



this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) The said order shall be communicated to the Court below for the needful by the Registry through e-mail.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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