

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39643 of 2024

Arising Out of PS. Case No.-141 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

1. Shivshekhar Pandey Son Of Late Rameshwar Pandey R/O Vill.- Narayanpur, P.S.- Taraiya, Dist.- Saran At Chapra
2. Uday Dubey @ Uday Shankar Dwivedi Son Of Bishnudeo Dubey R/O Vill.- Mahammadpur, P.S.- Manjhi, Dist.- Saran At Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 21-06-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Chapra Muffasil P.S. Case No. 141 of 2024, instituted for the offences punishable under Sections 272, 273, 420 of the Indian Penal Code, Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 1525 liters spirit was recovered from pick-up vehicle.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material have been recovered from the conscious possession of the petitioners. The petitioners



have got no concern with the alleged recovery of spirit. The petitioners are neither owner nor driver of the vehicle in question. The petitioners are in custody since 14.03.2024 and have got no criminal antecedent. Learned counsel for the petitioners further submits that similarly situated co-accused have been granted bail by this Court vide order dated 14.05.2024 passed in Cr. Misc. No. 36626 of 2024 and order dated 22.05.2024 passed in Cr. Misc. No. 37997 of 2024. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioners and claim based on parity, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chapra Muffasil P.S. Case No. 141 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.



(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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