

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40520 of 2024

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

Roshan Singh Son of Anil Singh @ Anil Kumar Singh R/O Pure Chapra, P.S.-
Parsha, Dist.- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary, Advocate

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

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

ORAL ORDER

2 21-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks 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(i) 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 petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Petitioner was not apprehended on the spot. The
name of the petitioner has been dragged in the present case
merely on the basis of disclosure made by the co-accused



persons who were apprehended on the spot. No incriminating material have been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of spirit. The petitioner is neither owner nor driver of the vehicle in question. The petitioner is in custody since 04.04.2024 and has got four criminal antecedents. Learned counsel for the petitioner further submits that similarly situated co-accused person has already been granted bail by this Bench vide order dated 14.05.2024 passed in Cr. Misc. No. 36626 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 petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and claim based on parity, 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 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 petitioner.

(II) The petitioner 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 petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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