

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.18565 of 2015**

Arising Out of PS.Case No. -60 Year- 2015 Thana -AGAMKUAN District- PATNA

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Sanjay Singh @ Sanjay Kumar Singh S/o Late Ramesh Singh R/o village -  
Paur Sah Mohammadpur, P.S.- Tisiouta, Dist. – Vaishali.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ram Shankar Das, Adv

For the Opposite Party/s : Mr. Ram Chandra Sahni (App)

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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**

ORAL ORDER

4      02-09-2015      Heard learned counsel for the parties.

The petitioner facing prosecution for the offence punishable under Section-7 of the E.C. Act, has come out with a defence that he had no relationship with the seized 11 drums of kerosene oil nor does he has anything to do with the Bolero Pick-up Van bearing registration no. BRO6 GB 3649 and that the alleged confessional statement of the driver Ranjeet Kumar Rai in no way can bind the petitioner specially when the police has not been able to even trace the owner of the aforesaid Bolero Pick-up Van, which is said to be taken on hire by the petitioner.



This Court has also carefully perused the case diary and supervision note, from which, it is very clear that the police while keeping the investigation pending since 08.02.2015, had not been able to collect any material which would directly involve the petitioner. It is however really shocking and surprising to note that even when the police could get link from the driver, that it was the petitioner, who had taken the aforementioned Bolero Pick-up Van on hire and the owner of the vehicle despite the registration number of the vehicle being available, has not been traced nor his statement could be recorded to find out as to whether as a matter of fact the petitioner had taken the aforesaid Bolero Pick-up Van on hire on the fateful day.

Thus, having regard to the aforesaid circumstances and the fact that the petitioner has got no criminal antecedent, would direct that if the petitioner namely, **Sanjay Singh**, surrenders within a period of four weeks from today, he would 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 **A.C.J.M. Patna City** at **Patna** in connection with **Agamkuan P.S. Case No. 60 of 2015**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That both the bailors will be close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the bailor shall also state on affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail

will be liable to be cancelled for reasons of misuse.

(iv) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

Let a copy of this order be sent to the Senior Superintendent of Police, Patna to tone up the investigation.

With the aforementioned observation and direction, this application is disposed of.

**(Mihir Kumar Jha, J)**

Ranjan/-

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