

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52837 of 2017

Arising Out of PS.Case No. -264 Year- 2017 Thana -BARAUNI District- BEGUSARAI

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Niraj Kumar Rai S/o late Jai Narayan Rai R/o Kil Garhara Ward No. 13 P.S.
Barauni Dist. Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Sri Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-11-2017

Heard learned counsel for the petitioner and learned

APP for the State.

This is a case registered under Sections 413 and 414
of the Indian Penal Code and 7 of the E.C. Act.

On the basis of secret information the petitioner's
house was raided and it is alleged that 250 liters of high speed
diesel was recovered from the possession of the petitioner.

Counsel for the petitioner submits that he has falsely
been implicated in this case. As per the high speed diesel licensing
order the restriction of storage is above 400 liters therefore, the
recovery of 250 liters of high speed diesel from his house cannot
be said to be illegal in any manner. He further submits that he
comes from agricultural family so the storage of the said high
speed diesel was for the purpose of carrying his agricultural



activity. He also submits that prior to the instant case there is no criminal antecedent of the petitioner and he is in custody since 16.07.2017.

In the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Begusarai in Barauni (Garhara) P.S. Case No. 264 of 2017 subject to the conditions :

- (i) That one of the bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner.
- (ii) That the affidavit shall clearly state that the Petitioner is not an accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailor shall also state on affidavit that he 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.

- (iv) That the Petitioner will give an undertaking that he will receive the police papers on the given date and be present on 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.
- (v) That the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash/-

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