

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7412 of 2019

Arising Out of PS. Case No.-217 Year-2018 Thana- RAJPUR District- Buxar

Najaf Azad Khan, Son of- Late Azad Hussain Khan, Resident of House No-402, Ward No-6, Mughal Chauk, P.S.-Mughal Chauk, District-Mughalsarai (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Kumar Singh, Adv. Mr. Ashok Kumar Choudhary, Adv. Mr. Akshansh Ankit, Adv.
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 420, 414 and 120(B) of the Indian Penal Code, Sections 3(1), 7(a) and 9(a) of the Kerosene(Restriction on Use and Fixation of Ceiling Price) Order 1999, Sections 3, 4, 5 and 6 of the Motor Spirit and High Speed Diesel (Regulation of Supply, Distribution and Prevention of Malpractice) Order 2005 and Section 7 of the Essential Commodities Act, 1955.

The prosecution case as per the written report of Amrendra Kumar, Block Supply Inspector, Chausa submitted to the



S.H.O., Rajpur P.S. is to the effect that on 23.09.2018 at about 07.00 A.M., the informant was informed by the S.D.O., Buxar that a tanker is coming from Mohania side, loaded with adulterated diesel. Consequently, the tanker was intercepted, from the tanker the driver and co-driver was apprehended who disclosed their names as Shamshad Khan and Vikash Goswami and they admitted that the tanker was loaded with 1,200 litres of diesel mixed with kerosene oil. They further disclosed that the tanker belongs to the petitioner, Najaf Azad Khan and the said consignment was to deliver to Baba Vishwanath Service Station at Darahpur, Buxar.

It is submitted by learned counsel for the petitioner that though the petitioner is the owner of the tanker in question but the petitioner can not be held the beneficiary of the supply. It is further submitted that the tanker in question is hired by the customers through the driver and the driver in fact may not be known about the chemical component, purity of the diesel loaded in the tanker. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that through the tanker of the petitioner, adulterated diesel was being



transported.

Considering the fact that the thrust of accusation against the supplier, coupled with the statement being made in paragraph no.3 of the petitioner that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **C.J.M., Buxar** in connection with **Rajpur P.S. Case No.217 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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