

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26341 of 2020

Arising Out of PS. Case No.-71 Year-2020 Thana- BIHTA District- Patna

DEVANAND SAW S/o Late Dinanath Saw Resident of Masaurhi, P.S.-
Masaurhi, District-Patna, presently r/o Chik Toli, P.S.-Danapur, District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi

For the Opposite Party/s : Mr. Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-10-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through video
conferencing.

The petitioner apprehends his arrest in connection
with Bihta Station Case No. 71 of 2020, registered for the
offences punishable under Sections 379/420/34 of the Indian
Penal Code and Section 7 of the Essential Commodities Act.

The allegation, as per the First Information Report, is
that a raid was conducted by the Sub Divisional Officer and a
total quantity of 335 litres of diesel and 200 litres of chemical
were recovered from a room and field, situated behind the tyre
shop of the petitioner and two persons were apprehended while
the third one succeeded in fleeing away and the arrested persons



have disclosed the name of the petitioner as the person who succeeded in fleeing away. The allegation is that the petitioner and other accused persons are indulged in the sale of spurious diesel.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of the statement made by the arrested co-accused persons and merely on the basis of the fact that the diesel as well as chemical have been recovered from the room and field situated behind the tyre shop of the petitioner. He further submits that the seized materials have not been recovered from the premises owned by the petitioner and the petitioner has got no criminal antecedent.

After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that nothing has been recovered from the conscious possession or the premises belonging to the petitioner and the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is allowed.

Accordingly, let the petitioner, above named, be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today,



upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Danapur, Patna, in connection with Bihta Police Station Case No. 71 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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