

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40896 of 2020

Arising Out of PS. Case No.-70 Year-2020 Thana- DIGHALBANK District- Kishanganj

NOOR MOHAMMAD @ NOOR ALAM son of Hamidur Rahman Resident
of Village- Bhurlibhita (Padampur), P.S.- Garbhandenga, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-11-2021 Heard the learned counsel for the petitioner and Sri
Nityanand, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Dighalbank PS case no. 70 of 2020
registered for the offences punishable under Section 7 of
Essential Commodities Act.

The allegation is regarding the police having
apprehended two vehicles loaded with bags of Urea and upon
interrogation of the driver, he disclosed that the Urea had been
loaded by the petitioner herein and Urea was to be taken to
Dubri Chowk, PS-Dighalbank.

The learned counsel for the petitioner has
submitted that merely on the confessional statement of the
driver, the petitioner has been falsely implicated in the present



case, although he is neither the owner of the vehicle in question nor the Urea belongs to him. It is further submitted that the petitioner is having a clean antecedent.

Per contra, the learned APP for the State has vehemently opposed the prayer of bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also taking into account the fact that the petitioner is having a clean antecedent, his name has transpired in the present case merely upon disclosure made by the driver of the vehicle in question, apart from the fact that the petitioner is neither the owner of the vehicle in question nor the Urea belongs to him, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Kishanganj in connection with Dighalbank PS



case no. 70 of 2020 subject to the conditions as laid down under
Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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