

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32982 of 2022

Arising Out of PS. Case No.-127 Year-2022 Thana- BAGHA District- West Champaran

AMARESH KUMAR GUPTA S/o Late Banarshi Prasad Resident of- Gudri Bazar, Cold Storage, Bankatwa Ward No. 19, P.S.- Bagha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohit Raj, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 468, 471, 353 and 34 of the Indian Penal Code and Section 7(1)(a)(ii) of Essential Commodities Act and Sections 12, 7 13(i), 13(a), 19(b), 19(c) (ii)(iv) (vi), 28 (1)(c) of Fertilizer Control Order.

The informant alleges that on information the house of the named accused persons who are own brothers was raided, as information was received that they are indulging in manufacturing fake fertilizers, further during raid several articles including fertilizers were recovered as detailed in the FIR.



Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case merely because he is alleged to be the son of late Banarasi Prasad, it is further submitted that petitioner does not stay in house where the alleged fake fertilizers were being prepared. Learned counsel next submits that petitioner does not have any control over his brother if they are indulging in illegal activities, he cannot stop them.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bagha P.S. Case No. 127 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the petitioner will keep marking his attendance in the concerned police station in between 15-20 of



every month commencing from December 2022 till the charge-sheet is not submitted, in the event, if the investigating officer of the case files an application before the learned trial Court bringing to its notice that the petitioner in between the aforesaid date in any of the month has not marked his attendance or has not cooperated in the investigation, the learned trial Court shall forthwith cancel his bail bonds after recording reason and after giving the petitioner an opportunity of hearing.

(Satyavrat Verma, J)

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