

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60631 of 2021

Arising Out of PS. Case No.-84 Year-2021 Thana- RAUTA District- Purnia

Nisharalam @ Nishar, Son of Bashir Alam @ Bashir, Resident of Village - Sindhiya, Sultanpur, ChalkaGhat, Ward No. 1, Police Station - Kishanganj, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate
For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-04-2022 Heard counsel for the parties.

The petitioner is in judicial custody in connection with Rauta P.S. Case No. 84 of 2021 registered under Section 285 of the IPC and Section 7 of Essential Commodities Act and Section 23 of Petroleum Act of the Indian Penal Code.

Allegation against the petitioner is that he was driving a tempo in which 600 litres of petroleum products was being carried.

Learned counsel for the petitioner submits that he being the driver of the tempo has no role to play and was carrying the loaded product from Kishanganj to Halalpur Chauk. He further submits that the petitioner has no criminal antecedent and has suffered already by being in judicial custody since 11.08.2021 (as stated in paragraph 15 of the bail application).



Taking into account the aforesaid facts, let the petitioner be released on bail on furnishing bail bond of Rs.15,000/-(fifteen thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Purnea in connection with Rauta P.S. Case No. 84 of 2021, subject to following conditions:

(i) one of the bailors should be the family member of the petitioner and will produce official document to show his bonafide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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