

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68166 of 2021

Arising Out of PS. Case No.-451 Year-2021 Thana- BETTIAH CITY District- West
Champaran

PRAMOD KUMAR Son of Madan Lal Prasad @ Madan Lal Resident of
Chhota Ramana, Ward No. 25, P.S.- Bettiah Town, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Brajesh Kumar Singh, Adv.
For the State	:	Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-05-2022 Heard the learned counsel for the petitioner
and the learned APP for the State, Sri Ashok Kumar.

The petitioner seeks regular bail in connection with Bettiah Town P.S. Case No. 451 of 2021, registered for the offence punishable under Sections 420/34 of the Indian Penal Code and Section 7 of the Essential Commodities Act, 1955.

The allegation is regarding recovery of 900 liters of diesel from a Bolero vehicle, which was kept in six plastic drums and co-accused persons were arrested from the spot. On interrogation, the said apprehended co-accused persons had disclosed about the complicity of the petitioner in



the present case resulting in a raid having been conducted in the house of the petitioner, whereupon 1150 liters of kerosene oil along with two plastic bags, containing 10 kg. chemical used for adulterating kerosene oil to resemble diesel, was found.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 7.8.2021. The learned counsel for the petitioner has referred to paragraph no. 7 of the present petition to submit that the place from where the kerosene oil and chemical has been recovered does not belong to the petitioner and his house is situated in the same locality, i.e. after 4-5 houses of the house of late Kedar Jha, from where the said kerosene oil and chemical was recovered. It is submitted that the petitioner had never taken the house of late Kedar Jha on rent or used the same for any business purposes. It is also submitted that other co-



accused persons have already been granted bail by a coordinate Bench of this Court vide order dated 24.1.2022 passed in Criminal Miscellaneous No. 66287 of 2021.

Per contra, the learned APP for the State has vehemently opposed the prayer for 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 considering the fact that the petitioner has categorically stated in paragraph no. 7 of the present petition that the house from where the kerosene oil and chemical was seized does not belong to him, apart from the fact that the petitioner is having a clean antecedent and he is languishing in custody since about nine months, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail



bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Essential Commodities, West Champaran, Bettiah in connection with Bettiah Town P.S. Case No. 451 of 2021.

(Mohit Kumar Shah, J)

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