

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60114 of 2022

Arising Out of PS. Case No.-232 Year-2022 Thana- KATEYA District- Gopalganj

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Durga Gupta @ Durga Nauniyar @ Durga Rauniyar Son Of Sriprakash Gupta
@ Sriprakash Nauniyar R/O Village- Kajipur, P.S.- Pateharawa, District-
Kushinagar (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 7 of the
Essential Commodities Act.

As per F.I.R., petitioner is involved in black
marketing of fertilizers and seeds and runs a shop in the name
and style of Durga Khad Bhandar.

Learned counsel for the petitioner submits that the
petitioner has clean antecedents and he has been falsely
implicated in the present case. He further submits that the
petitioner has not committed any offence and in fact the
petitioner has a licence of retail shop of fertilizers and seeds in



Uttar Pradesh and the petitioner has not contravention of any Fertilizer Control Act as alleged in the F.I.R.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kateya P.S. Case No. 232 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.



(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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