

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14176 of 2023

Arising Out of PS. Case No.-14 Year-2019 Thana- RAJPUR District- Buxar

Balmohan Gupta, S/o Rajesh Sah, R/v- Satsa Balthari, P.S.- Kochas, District-
Rohtas

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case has moved this Court seeking pre-arrest bail in connection with Rajpur P.S. Case No. 14 of 2019 registered for the offences under Sections 379 and 411 of the Indian Penal Code and Section 7 of the Essential Commodity Act as also under Section 7 of Fertilizer (Control) Order, 1985. He has no criminal antecedent.

As per the prosecution story, the informant Block Agriculture Officer-cum-Fertilizer Inspector, Rajpur has filed a written complaint before the S.H.O. Rajpur P.S., alleging therein that on 13.01.2019 at about 10:45 P.M., he got an information from Officers of Rajpur P.S. that they have stopped some black-marketers of fertilizer near Akbarpur PAX Godown. Three persons namely Musafir Singh, Tribhuwan Prasad Gupta and



Feroz Khan were caught by the police officials at the place of occurrence whereafter Feroz Khan told the informant that he is helper of the truck and the driver Mahaveer Choudhary has run away. In absence of any independent witness at the late night, only in presence of Police Personals, a truck bearing Reg. No. BR-03K-9042 and a Pick-up Van bearing Registration No. BR-24G-6894 were searched and 275 bags each of 45 kg urea from the truck and 60 bags urea from the pick-up van were recovered. No valid paper regarding the seized urea were provided by the three accused persons and thereafter the seized bags of urea were handed over to registered seller Roshan Kumar Singh for keeping it safely.

Learned counsel for the petitioner submits that the the petitioner is not named in the FIR and he has not been arrested with the pick-up van.

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

Having regard to the facts and circumstances wherein this petitioner is not named in the FIR, however, in course of investigation, it has transpired that he happens to be the driver of the truck/pick-up van from which 60 bags of urea fertilizer were seized, considering that the petitioner was not arrested



with the pick-up van and he has otherwise no criminal antecedent as also he is ready to participate in course of trial, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) in connection with Rajpur P.S. Case No. 14 of 2019 with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Buxar, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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