

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12739 of 2023**

Arising Out of PS. Case No.-295 Year-2022 Thana- DAGARUA District- Purnia

MD. ZIYAUL HAQUE @ ZIYAUL HAQUE @ JIYUL HAQUE S/o Late  
Sekh Samad R/o Village- Champi, P.S.- Dagarua, Distt- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Singh  
For the Opposite Party/s : Mr. Parmeshwar Mehta

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      19-05-2023      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 Section 414 of the Indian Penal Code and Section 7 of the E.C. Act.

As per the prosecution case, the informant being the Block Supply Officer, Baisi, seized the tractor loaded with 82 Kgs of food grains. The petitioner is the registered owner of the tractor from which the brother of petitioner was carrying 82 bags of Arwa rice weighing 41 quintals for black marketing.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is the registered owner of the tractor, which is used for commercial purpose and the alleged recovered 82 bags Arwa rice belongs to accused Md.



Matiur Rahman @ Rahul. He further submits that in absence of the petitioner the informant raided the PDS shop of the petitioner in presence of wife and brother of the petitioner and found no shortage of stock. This fact clearly shows that the alleged recovered 82 bags Arwa rice were not carried for black marketing. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for anticipatory bail.

Considering the facts and circumstances of the case, there is no specific overt act against the petitioner and the fact that petitioner is only owner of the tractor, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Dagarua P.S. Case No. 295 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Anjani Kumar Sharan, J)**

anand/-

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