

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14273 of 2023

Arising Out of PS. Case No.-376 Year-2022 Thana- BAISI District- Purnia

Md. Ejaz S/O Jainuddin Resident of Village- Purab Tola, Karhara, ward no.-
12, P.S.- Mahalgaon, District- Araria. 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.

The petitioner in the present case is seeking pre-arrest bail in connection with Baisi P.S. Case no. 376 of 2022, registered for the offences punishable under Section 7 of the Essential Commodities Act. He has got no criminal antecedent.

As per the prosecution story, on 27.09.2022, the informant received information that near Primary Health Centre, Baisi a vehicle was found loaded with chemical fertilizer. On this information, the informant reached there with Block Agriculture Officer and apprehended one person, namely, Md. Ehtasham, who disclosed that in the tractor there are 70 bags of YARA NEEMYUKT UREA containing 45 kgs in each bag but he failed to produce any valid paper.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the fertilizers loaded in the said vehicle belong to the farmers.



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

Having regard to the facts and circumstances of the case, wherein it is submitted that the petitioner is the owner of the vehicle in which 70 bags of fertilizers were loaded but those belong to the farmers, let the petitioner, who has otherwise no criminal antecedent, in case of his arrest or surrender within a period of four weeks from today, be released on bail in connection with Baisi P.S. Case no. 376 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Purnea, 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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