

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14827 of 2023

Arising Out of PS. Case No.-506 Year-2022 Thana- CHAKIA District- East Champaran

1. Naushad Ali Son Of Samsul Haque R/O Kunwa Road Chakiya P.S- Chakia Dist- East Champaran
2. Bhikhar Sah Son Of Chulhai Sah R/V- Ahirauliya P.S- Chakia Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 12-07-2023 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 419, 420, 467, 468, 471, 34, 482, 483 of the Indian Penal Code and Section 7(I)(a)(i), 7(I)(a)(ii) EC Act and Fertilizer Control Order 1985, 19(c)(iv) and 13 of Seeds Control Order.

As per FIR, the prosecution case relates to recovery of many sacks of D.A.P., Zink, wheat seeds, pirated fertilizers and other articles from an Asbestos shed of two rooms, which is also known as M/s Gupta Fertilizer



shop. It is further alleged that one vehicle was also recovered from the place of occurrence.

Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence. The petitioner No-1 is the son of owner of the seized vehicle and the petitioner No-2 is the driver of the seized vehicle due to which they have falsely been implicated in this case. The petitioners have no concern with the alleged recovery nor they are owner of the M/s Gupta Fertilizer shop rather the shop/room in question belongs to one Santosh Kumar. Similarly situated co-accused has already been granted bail by this Court vide order dated 18.05.2023 passed in Cr. Misc. No. 19162 of 2023. It is further submitted that the petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 23.11.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioners, this court is inclined to enlarge



the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Chakiya P.S. Case No. 506 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Motihari.

(Sunil Kumar Panwar, J)

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