

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41000 of 2023

Arising Out of PS. Case No.-134 Year-2022 Thana- BHIMPUR District- Supaul

1. Majrul Haque @ Majaharul Haque Son Of Abdul Mannan Village- Bhagwanpur Ps- Birpur Dist- Supaul
2. Mahesh Ram Son Of Shri Lal Ram Village- Bhagwanpur Ps- Birpur Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh

For the Opposite Party/s : Mr. Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-08-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in Bhimpur P.S. Case No. 134 of 2022 registered for the offences punishable under Section 7 of the Essential Commodities Act, pending in the Court of learned Sub Divisional Judicial Magistrate, Birpur.

3. As per the prosecution case, allegation against the petitioner no. 1 is that 100 bags of urea fertilizer were recovered from his vehicle, which were kept for the purpose of black marketing and the petitioner no. 2 is the driver of the said vehicle.

4. Learned counsel for the petitioners submits that



the petitioners are innocent and have falsely been implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that the petitioner no. 1 is the owner and the petitioner no. 2 is the driver of the seized vehicle. He further submits that nothing has been recovered from their possession. The petitioners have no criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State opposes prayer for anticipatory bail and submits that the petitioners are involved in the present case and it is clear from the impugned order that the witnesses have supported the prosecution case. Hence, they do not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for anticipatory bail of the petitioners is hereby rejected.

(Anjani Kumar Sharan, J)

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