

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61711 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- CHHAURADANO District- East
Champaran

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1. OM PRAKASH PRASAD Son of Raghunath Sah R/V- Mahuawa, P.S- Mahuawa, Dist- East Champaran
 2. Babloo Kumar Gupta Son of Amirlal Sah R/V- Mahuawa, P.S- Mahuawa, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv
Mr. Kumar Rajdeep, Adv

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-05-2023 Heard learned senior counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in a case registered
for the offence punishable under Sections 406/34 of the Indian
Penal Code and section 7 of EC Act.

Allegedly, the informant seized 150 bags of urea from a
tractor. He came to know that the petitioner no.1 purchased 77
bags and petitioner no.2 purchased 78 bags and both are the
owners of two different licensed firms. It is alleged that out of
155 bags of urea only 150 bags were found i.e. 5 bags of urea
were found short. On query by the authorities the driver of the



tractor gave unsatisfying reply, hence it is suspected by the informant that urea was being carried for selling in the black market

It is submitted by learned senior counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. He submits that 155 bags of urea was purchased by the petitioners from licensed dealers and the same was handed over to the driver of the tractor by wholesale dealers for carrying to the shops of the petitioners. The tractor carrying the bags of urea got punctured and thus the bags of urea were loaded on another tractor for the continued delivery to the petitioners godowns. Petitioners have no criminal antecedent, as also mentioned in para-3 of the petition.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case as there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of



their 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) **each** 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 Chauradano P.S. Case No.189 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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