

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63547 of 2023

Arising Out of PS. Case No.-196 Year-2023 Thana- KASBA District- Purnia

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Jiyabur @ Jiyabur Rahman @ Md. Jiyabur Son Of Samsul Haque Resident of
Talajhari Sabalpur, Ps -SADAR Purnea, Distt- Purnea Petitioner
Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhitabh Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest
bail in connection with Kasba P.S. Case No. 196 of 2023
registered for the offences punishable under Section 7 of the
Essential Commodities Act. He has got no criminal antecedent.

3. As per the prosecution story, the informant on
direction of his superior officers went to *Kathpulia* and saw a
tractor and trailer without driver loaded with fertilizers. The same
was brought to the police station and on search, 100 bag of DAP
and 100 bag of SSP were found.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this case.
It is submitted that the petitioner is owner of the tractor and trailer
and he has no concern with the alleged fertilizers.

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



6. Having regard to the facts and circumstances of the case wherein it is submitted that the petitioner is the owner of the tractor and trailer and he is not at all connected with the alleged fertilizers, the petitioner has otherwise no criminal antecedent, hence this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Kasba P.S. Case No. 196 of 2023 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 Chief Judicial Magistrate, Purnea subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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