

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66221 of 2022

Arising Out of PS. Case No.-205 Year-2022 Thana- SANGRAMPUR District- Munger

NITISH KUMAR Son of Devi Yadav R/v- Baijala, P.S.- Jhajha, District-
Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanju Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Section 7 of the Essential
Commodities (E.C.) Act, 1955.

Prosecution case, in brief, is that on 05.08.2022, in
compliance of telephonic message of Sub-Divisional
Magistrate, Tarapur, Sangrampur Police seized Truck No. WB-
39A/7044 loaded with food grains. The informant I/C Supply
Officer of Sangrampur Block verified the Truck No. WB-
39A/7044 and found 476 bags of rice were loaded on the
aforesaid truck. Truck and 476 bags of rice were seized and
seizure list was prepared. Driver of the aforesaid truck was
apprehended, who disclosed his name as Nitish Kumar. On
asking paper regarding the seized food grains, petitioner Nitish



Kumar could not produce any document regarding seized food grains.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not the owner of the truck in question and petitioner is the driver of the truck in question and he has no concern with the alleged recovery of the loaded articles. No case is made out under Section 7 of the Essential Commodities (E.C.) Act, 1955 against the petitioner and police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 07.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sangrampur P.S. Case No. 205 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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