

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69919 of 2022

Arising Out of PS. Case No.-191 Year-2022 Thana- SIKTI District- Araria

ADIL ZAFAR @ AADIL ZAFAR S/o Khurshid Alam R/v- Dahgama, P.S.-
Sikty, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-01-2023 Heard Mr. N.K. Agrawal, learned Senior Counsel for
the petitioner and the learned APP for the State.

The petitioner apprehends his arrest in connection
with Sikty P.S. Case No.191 of 2022 instituted under Sections
7(1)(a)(ii) E.C. Act and Section 468, 470, 471 of the IPC.

As per the prosecution story, the police upon
information raided the house of Manoj Kumar Singh and found
that Urea Fertilizer is being unloaded for black-marketing to
Nepal. Upon inquiry, the said Manoj Kumar Singh stated that
the Urea belongs to the present petitioner and are being
unloaded there. Further, upon demand of papers, he stated that
the same is with the petitioner and in the meanwhile, he escaped
from the place of occurrence. Accordingly, the FIR was lodged.

Learned Senior Counsel for the petitioner submits that
the house of the petitioner is 10 kilometers away from the said



Manoj Kumar Singh, have nothing to do with him and just to save his skin and implicate this petitioner, the name was taken and this has severally affected his business inasmuch as following the institution of the F.I.R, his license has been cancelled by the District Agriculture Officer, Khagaria on 11-08-2022 (Annexure-2). The last submission is that he is ready to abide by the terms and conditions, if granted relief

Learned APP on the other hand submits that Urea Fertilizer was being unloaded at the house of accused Manoj Kumar Singh and he named this petitioner to be the person and as such opposes the prayer.

Taking into account the fact that the recovery/seizure is from the house of Manoj Kumar Singh, the petitioner's shop is 10 kilometers apart and further he would cooperating in the investigation and will be appearing diligently in the trial, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) each with two sureties of the like amount each in connection with Sikty P.S. Case No.191 of 2022 to the satisfaction of learned S.D.J.M.,



Araria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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