

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70316 of 2022

Arising Out of PS. Case No.-94 Year-2015 Thana- PURNEA SADAR District- Purnia

1. SIYA RAM SINGH Son of Late Devendra Singh R/V- Tira, P.O- Gaura, P.S- Ranipatra, Dist- Purnea.
2. Manoj Kumar Singh @ Manoj Kumar Bharti Son of Siya Ram Singh R/V- Tira, P.O- Gaura, P.S- Ranipatra, Dist- Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. N.K. Agrawal, Senior Advocate Mr. Shankar Kumar, Advocate
For the State	:	Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 03-07-2023 At the outset, learned Senior Counsel for the petitioners seeks permission to withdraw this anticipatory bail application in respect of petitioner no.2, Manoj Kumar Singh @ Manoj Kumar Bharti.

Permission is granted.

Accordingly, this anticipatory bail application is dismissed as withdrawn so far as petitioner no.2, Manoj Kumar Singh @ Manoj Kumar Bharti is concerned.

However, if petitioner no.2, Manoj Kumar Singh @ Manoj Kumar Bharti surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the learned court below shall consider the prayer for regular bail of petitioner no.2 preferably on the same day without being



prejudiced by this order.

Heard Mr. N.K. Agrawal, learned Senior Counsel assisted by Mr. Shankar Kumar for the petitioners and Mr. Parmeshwar Mehta for the State.

Petitioners apprehend their arrest in connection with Sadar (Muffasil) P.S. Case No.94 of 2015, registered for the offences punishable under Section 420 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

It is alleged that on 10.03.2015, on the basis of secret information, informant being the Block Agriculture Officer, Purnea East, Purnea raided the house-cum-godown of petitioner no.1, Siya Ram Singh and found that several packets of Urea fertilizer were unloading from the tractor and several brands of fertilizers stored by these petitioners in their godown without any valid paper.

Learned Senior Counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. It is submitted that petitioners have got no criminal antecedent as stated in paragraph-3 of the bail petition. It is further submitted that though the FIR was lodged in 2015, but petitioners have filed the present bail petition in 2022. Learned Senior Counsel for the petitioners further submits that petitioners were enjoying benefit of Section 41(a) Cr.P.C. Thereafter the police has



submitted charge sheet against the petitioners and summon was issued on 30.04.2019, but due to pandemic of COVID-19, petitioners could not appear before the learned court below. It is submitted that it is not alleged that petitioners are the licence holder to sell agricultural product. The police has recovered some agricultural products from the said godown. It is also submitted that the local villagers used to keep their fertilizer in the said godown.

Learned APP for the State opposed the prayer for grant of anticipatory bail to the petitioners.

Taking into consideration the facts aforesaid as also the age of petitioner no.1, let petitioner no.1, namely, Siya Ram Singh, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be released on bail 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 S.D.J.M., Purnea in connection with Sadar (Muffasil) P.S. Case No.94 of 2015, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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