

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69673 of 2022

Arising Out of PS. Case No.-529 Year-2022 Thana- GHORASAHAN District- East
Champaran

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RAMJINISH PRASAD Son of Satya Narayan Prasad Resident of Village-
Middle School, Road, Ghorasahan, P.S.- Ghorasahan, District- East
Champaran Prop. M/S Gupta Enterprises

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-04-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The accused/petitioner is named in F.I.R and
apprehending his arrest in connection with Ghorasahan P.S.
Case No. 529 of 2022 registered for the offences punishable
under Section 7 of the Essential Commodities Act.

The allegation against these petitioner is to found in
possession of 300 bags of Urea made up of Ujjwal Company
and 2 bags of Yara Company, as per FIR, which were not



allotted to the PDS dealer of the district and as also to this petitioner.

Learned senior counsel, Mr. N.K. Agrawal, appearing on behalf of the petitioner submitted that narration of the FIR suggests only suspicion, where implication is only for the reason that petitioner being a PDS dealer failed to produce the relevant documents as regard to purchasing of allotted Urea at the time of raid before informant. It is submitted that petitioner has already suffered a lot for the reason that his licence was cancelled by the department vide order dated 22.09.2022 and, as such, petitioner has already suffered a lot and now struggling for his livelihood.

Learned APP opposes the prayer of bail.

Considering the aforesaid facts and circumstances, as allegation is based upon suspicion, let above named petitioner, in the event of his arrest or surrender within a period of four weeks, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran/concerned Court, in connection with Ghorasahan P.S. Case No. 529 of 2022, subject to the conditions as laid



down under Section 438(2) of the Cr.P.C. and also the following conditions:

“(i) Petitioner shall co-operate in the trial and shall be properly 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(ii) 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.

(ii) 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 petitioners have concealed their



criminal antecedent, the Court below shall take steps 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.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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