

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35805 of 2024

Arising Out of PS. Case No.-27 Year-2023 Thana- VALMIKINAGAR District- West
Champaran

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1. Santosh Kumar Rauniyar son of Lal Bihari @ Lal Bihari Rauniyar Village-
Balkudia Bazar Ps- Pipra Dist- Kushinagar U.P
 2. Guddu Devan @ Jabbar @ Md. Jabbar Ali son of Mohammad Islam Village-
Balkudia Bazar Ps- Pipra Dist- Kushinagar U.P

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Milind Kumar Mishra, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-07-2024 Heard Mr. Milind Kumar Mishra, learned counsel
for the petitioners and Mr. Bhanu Pratap Singh, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Valmikinagar P.S. Case No. 27 of 2023, F.I.R.
dated 02.03.2023 for the offences punishable under Section 7 of
the Essential Commodities Act.

3. According to prosecution case, there is allegation
against the petitioners to hoard and sell fertilizer illegally.

4. Learned counsel for the petitioners submits that
petitioners have clean antecedent and they have falsely been
implicated in the present case. He further submits that the



allegation as alleged is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. He further submits that petitioners are not the PDS dealer and fertilizer has been recovered from the open place. He further submits that on the basis of the suspicion the petitioners have been made accused in the present case.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that petitioners having clean antecedent, they are not the PDS dealer and the alleged recovery have been made from the open road, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Valmikinagar P.S. Case No. 27 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



i. Petitioners 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.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. 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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