

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72772 of 2023

Arising Out of PS. Case No.-85 Year-2023 Thana- PRATAPGANJ District- Supaul

=====

GANESH CHAURASIYA @ GANESH KUMAR CHAURASIYA Son of
Ramdev Chaurasiya R/o Bhawanipur, P.s. - Pratapganj, Distt. - Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Harish Kumar, Adv.

For the Opposite Party/s : Mr.Braj Kishore Pd., APP.

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 09-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 7 of the E.C. Act.

3. The prosecution case, in brief, is that on 08.05.2023 at at around 11:22 P.M., on the basis of secret information and suspicion, one tractor loaded with foodgrains was stopped near Tekuna Panchayat. On enquiry, no satisfactory answer was given by the tractor driver, namely, Jitendra Kumar Sah regarding the food grains. Further the loaded truck was brought to Pratapganj Police Station where statement of tractor driver-cum-owner was recorded, in which he stated that at the behest of the petitioner, he was carrying the said rice and except this,



he has no role in the alleged occurrence.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and he has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Nothing has been recovered either from the conscious possession of the petitioner or from his house. He has no concern either with the alleged recovered/seized 2602 Kg. rice or with the co-accused persons, namely, Jitendra Kumar. He was not present at the place of occurrence. There is no compliance of Section 100 Cr.P.C. He has been made accused in the present case merely on disclosure made by the co-accused owner-cum-driver of the seized tractor. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as it is evident from the available record that the offence under Section 7 of E.C. Act is not applicable against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing



bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Pratapganj P.S. Case No. 85 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

