

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86523 of 2023

Arising Out of PS. Case No.-14 Year-2019 Thana- RAJPUR District- Buxar

Mahabir Chaudhary Son Of Bharat Chaudhary Resident Of Village- Bibiganj,
Post- Balua, Ps- Ara Muffasil, Distt- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Rajpur P.S. Case No. 14 of 2019 dated 14.01.2019, instituted for
the offence punishable under Sections 379, 411 of the Indian
Penal Code read with Section 7 of E.C. Act and Section 7 of the
Fertilizer (Control) Order, 1980.

3. The allegation is of recovery of 275 plastic bag
each containing 45 kg fertilizer Urea from Truck bearing
Registration No. BR03K-9042 and 60 plastic bag each
containing 45 kg fertilizer Urea in each bag from Pick Up Van
bearing Registration No. BR24G-6894. Three persons were
apprehended at the spot but one person claiming to be the driver
of the said truck, fled away.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in this case. It is submitted that the petitioner has been made accused in this case only on the basis of disclosure made by *Khalasi*, namely, Firoz Khan. It is also submitted that the petitioner is a driver, who was transporting fertilizer on the instruction of the owner of the said vehicle. It is further submitted that other similarly situated co-accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court *vide* order dated 18.05.2023 passed in Criminal Miscellaneous No. 14176 of 2023. Lastly, it has been submitted that he has no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Rajpur P.S. Case No. 14 of 2019, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Buxar, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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