





he kept firecrackers in the rented factory, if the raid will be conducted on the factory then huge quantity of firecrackers can be recovered from the factory. As the information is reliable and trustworthy, hence this information falls under Section 223 BNS, 1884 Therefore, Ruqa is being written and sent to the Police Station for registration of FIR by hand through PHG Rajesh Kumar 2807. After registering the FIR, number of FIR be informed. Control room should be informed. I ASI along with colleagues are going to conduct the raid. Sd/-Hardeep Singh ASI Police Station Chatiwind Dated 17-09-2024'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case and the only allegation against him is qua showing disobedience to orders issued by government and thus Section 223 of BNS 2023 has been attracted whereas no offence under Section 9B of Explosive Act is made out, since as per the prosecution case alone only sparkle sticks have been recovered and no other firecrackers were found at the spot. He further submits that the petitioner has been dragged into the FIR since as per the case of the prosecution petitioner has installed factory of firecrackers but no raw material and no machinery was recovered from the spot.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from ASI Hardeep Singh vehemently opposes the prayer for grant of concession of anticipatory bail on the grounds that the



petitioner is involved in unauthorized manufacturing of firecrackers without any permit.

4. **Analysis**

Be that as it may, on a specific query from the Court, learned State Counsel could not produce or show any incriminating material against the petitioner regarding manufacturing of firecrackers and no raw material has been recovered. In light of the above, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) a condition that the person shall not leave India without the previous permission of the Court;
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

14.10.2024
anuradha

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No