

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15546 of 2025

Arising Out of PS. Case No.-327 Year-2024 Thana- KOTWA District- East Champaran

Umesh Kumar Mishra @ Umesh Mishra S/O Late Laxhan Kishor Mishra
Resident of village - Panchayat Maharani Bhopat, Maharani Bairia, P.S-
Kotwa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

Mr.Hemant Ray, Adv.

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-04-2025 Heard Learned Counsel for the petitioner and

Learned APP for the State.

2. The present Criminal Miscellaneous Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioner who apprehend his arrest in connection with Kotwa P.S. Case No.327 of 2024 lodged on 18.11.2024, for the offences punishable under Section 7 of the Essential Commodity Act.

3. As per the prosecution, FIR has been lodged against the petitioner with allegation that some irregularities was found in the shop of PDS and do forgery in distribution of ration to the beneficiaries.



4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that the petitioner has been falsely implicated in the present case. He further submits that the informant without any authentic complaint, has done enquiry of PDS shop and on the very day, he has demanded huge amount and taken signature on blank papers, but after denial of wrong demand, the informant has made false case against him.

5. Counsel submits that the criminal antecedent of the petitioner is clean. He further submits that the petitioner has never indulged in black marketing of the same.

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

7. It transpires to this Court that the offence has been lodged under section 7 of the Essential Commodity Act and punishment is 3 years, but as per schedule of the BNSS, offence is upto 3 years. As such, the anticipatory bail is not maintainable due to the reason that the punishment according to the BNSS, is upto 3 years.

8. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner, therefore the bail application of the petitioner is hereby rejected.



9. However, trial court is directed to consider the regular bail application of the petitioner, if he surrenders within 4 weeks from today and prays for regular bail, then trial court shall pass order on merit without being prejudice of the present order.

(Dr. Anshuman, J.)

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