

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23592 of 2025

Arising Out of PS. Case No.-202 Year-2017 Thana- FATUA District- Patna

Birendra Kumar Son of Late Sita Ram Sao Resident of Mohalla- Bankipur,
Gorakh, P.S.- Fatuha, distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State .

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 7 of the E.C. Act.

3. The case of the prosecution in short is that a written
report was filed by the informant who is Block Supply Officer at
Fatuha. It is alleged that on 01.06.2017 at 2.00 PM he received
message from SHO, Fatuha that the subsidized food grain
(wheat) was being unloaded from two pick-up vans illegally and
was being stored in the house of Anup Kumar situated at Shisha
Mill Fatuha. SHO, Fatuha directed the informant to raid the
place of occurrence with the aid of police S.I. Sanjay Kumar
and armed force. On receiving message the informant
accompanied by police S.I. Sanjay Kumar and armed force



reached near house of Anup Kumar situated at *mohalla* Shisha Mill. The informant found wheat of Bihar Rajya Khadya Nigam, Bihar loaded on two pickup vans. The driver of Pick up vans on query disclosed that they have taken out the wheat from SFC Godown, Fatuha and the wheat belongs to Awadhesh Paswan dealer of Masaurhipur Panchayat and the drivers further disclosed that they have brought the wheat on the instruction of Awadhesh Kumar, dealer of Masaurhipur Panchyat, and contractor Pranay Kumar. It is further alleged that the informant found that about 20 bags wheat were unloaded from vehicle bearing BR01GA-8112 and were kept in the godown located in the house of Anup Kumar. The informant found on inspection of godown that the godown is filled with wheat of SFC. On query, it came to light that the godown in question was taken on rent by Sanjay Kumar who was found absent. The neighboring persons assembled and on query Sanjit Kumar claimed himself to be the driver of BR01GA-8112 while Bablu Kumar claimed himself to be the driver of pickup van bearing no. BR01GA-2944. The informant has stated in FIR that it appears that the contractor Pranay Kumar, Awadesh Kumar and both drivers were having conspiracy and were selling subsidized wheat after obtaining the wheat from Sanjay Kumar which is illegal and in



violation of Section 7 of the E.C. Act. Thereafter 40 bags of wheat of FCI loaded on pickup van bearing no. BR01GA-2944 and 58 bags of wheat of FCI loaded on pickup van bearing no. BR01GA-2944 and 170 bags of wheat stored in ground were seized and both the drivers of pick up van were apprehended.

4. Learned counsel for the petitioner submits that he is not named in the FIR and that he apprehends arrest because he is the owner of the van bearing No. BR01GA-8112. He submits that the petitioner is innocent and has committed no offence. It is emphasized that the petitioner has no criminal antecedent. He further submits that the petitioner has nothing to do with the wheat alleged to have been loaded in the pick-up van bearing no. BR01GA-8112 and he also emphasizes the fact that there is no specific allegation against him in the FIR and hence he prays for grant of anticipatory bail.

5. Learned A.P.P. for the State opposes the prayer of anticipatory bail.

6. Having regard to the facts and circumstances narrated above, it is manifest that the petitioner is not named in the FIR and there is no specific allegation against him. He is apprehending arrest merely because he happens to be the owner of the vehicle which he himself admitted. The thrust of the



allegation is against Pranay Kumar, Sanjay Kumar and Awadhesh Kumar. Sanjay Kumar has been granted anticipatory bail *vide* order dated 21.09.2017 passed in Cr. Misc. No. 40774 of 2017, Pranay Kumar has been granted anticipatory bail *vide* order dated 21.12.2017 passed in Cr. Misc. No. 61753 of 2017 and Awadhesh Kumar has also been granted anticipatory bail *vide* order dated 21.09.2017 passed in Cr. Misc. No. 43198 of 2017.

7. Considering the aforesaid facts and circumstances of the case, the petitioner in the event of his arrest or surrender within four weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Patna City in connection with Fatuha P.S. Case No. 202 of 2017, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 .

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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