

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26529 of 2025

Arising Out of PS. Case No.-197 Year-2017 Thana- SONO District- Jamui

Mustakim Miyan @ Mustakim Ansari S/o Rafik Mian R/o Village- Rajaura,
P.S.- Charkapathar, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Jay

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Sono P.S. Case No. 197 of 2017 registered for the offences punishable under Section 7 E.C. Act.

3. As per prosecution case, on the basis of telephonic information received from the office of Sub-Divisional Officer, Jamui that the rice has been seized by the villages at village Rajon, the informant reached at the place of occurrence. It is alleged that the rice was found loaded in Pick-Up van bearing Registration No. WB03B-9700 in plastic bag. It is further alleged that villagers disclosed that the alleged rice belongs to the petitioner which was being taken for black marketing. Further, co-accused Sandeep Kumar, owner of the



said Pick-Up van, disclosed that he is taking *Arwa* rice to Sono from his shop. It is alleged that petitioner's son disclosed that petitioner was not at home, he went to Patna. It is alleged that during physical verification in the petitioner's shop, as per the stock register, there should be 157 bags of rice (50 kg each bag) and loose 40 kg and 105 bags of wheat (50 kg each bag) and loose 10 kg, but in the petitioner's shop, 142 bags of rice 50 kg each bag and 114 bags of wheat 50 kg each bag were found. Thus, 15 bags of rice were found less and 9 bags of wheat were found more in the petitioner's shop.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that after investigation, the police has not sent up the petitioner for trial, as mentioned in Annexure P/2 but the learned S.D.J.M., Jamui took cognizance against the petitioner under Section 7 of E.C. Act and issued summons against him as mentioned in Annexure P/3, and, hence, petitioner has filed the present anticipatory bail petition. Seizure list has not been made in the presence of petitioner. Petitioner bears criminal antecedent of one case in which he is on police bail. In the light of the facts and circumstances of the case, no case is made out



against the petitioner under Section 7 of E.C. Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, final form is submitted against the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Jamui in connection with Sono P.S. Case No. 197 of 2017, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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