

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43196 of 2025

Arising Out of PS. Case No.-217 Year-2024 Thana- PRATAPGANJ District- Supaul

Hemant Kumar Son of Nityanand Mahaseth R/O- Bhawanipur Dakshin,
Shankarpur Chouk, P.S.- Pratapganj, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2025 Heard Mr. Shailendra Kumar Singh, learned
counsel for the petitioner and Mr. Parmeshwar Mehta, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Pratapganj P.S. Case No. 217 of 2024, F.I.R. dated 06.12.2024 for the offences punishable under Sections 7(i) (a)(ii) of the Essential Commodities Act, 1955.

3. According to prosecution case, a raid was conducted by the informant and his team on the shop of co-accused, Ramdev Bhagat where one pickup vehicle was standing and from that vehicle 90 bags of IPL Potash was recovered and on demand of paper the driver disclosed that this petitioner has sent him for the delivery of the said articles.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the name of the petitioner has been transpired on the basis of the confessional statement of the apprehended co-accused, namely, Hemant Kumar S/o Santosh Kumar and the petitioner is neither the owner of the shop nor the driver of the vehicle in question and he has no concern at all with the present occurrence and except the confessional statement of the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the similarly situated co-accused, namely, Ramdev Bhagat has been granted anticipatory bail vide order dated 29.04.2025 passed in A.B.A No. 153 of 2025 by the learned Court below itself.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and his name has been transpired on the basis of the confessional statement of the apprehended co-accused, let the petitioner, above named, in the



event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Birpur in connection with Pratapganj P.S. Case No. 217 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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