

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22759 of 2026

Arising Out of PS. Case No.-33 Year-2025 Thana- GURUA District- Gaya

Abhimanyu Kumar @ Avimanu Kumar @ Sri Abhimanyu Kumar S/o Late
Ashok Paswan R/o Vill- Sukulkhap, P.S.- Gurua, Distt- Gayaji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 24-07-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Mr. Chandra Bhushan Prasad.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 7 of the
Essential Commodities Act, 1955.
3. Learned counsel appearing on behalf of the petitioner
submits that the instant FIR was instituted with respect to
offences carrying punishment of seven years and less, it is next
submitted that petitioner had earlier move this Court seeking
anticipatory bail by filing Criminal Miscellaneous No. 54640 of
2025 in the said case learned A.P.P for the State had raised a
plea that since the FIR has been instituted with respect to
offences carrying punishment of seven years and less, hence
notice under Section 35(3) of the BNSS shall be given to the



petitioner, it was also pointed out in the said Criminal Miscellaneous No. 54640 of 2025 that there was no pleading to the effect that notice under Section 35(3) has not been received by the petitioner, the case was argued on merits, but thereafter, learned counsel for the petitioner sought permission to withdraw Criminal Miscellaneous No. 54640 of 2025 with liberty to file afresh, if need arises. It is further submitted that in terms of the liberty granted by an order dated 30.08.2025 in Criminal Miscellaneous No. 54640 of 2025, the second anticipatory bail application has been filed. It is submitted that petitioner is a PDS dealer and is a person with clean antecedent and in sum and substance the allegation is that during the course of inquiry, 1776 Kg wheat and 3870 Kg rice in his PDS shop was found sought.

4. Learned A.P.P. for the State submits that counter affidavit has been filed, wherein it has been specifically pleaded that prior to order date 30.08.2025 in Criminal Miscellaneous No. 54640 of 2025 the case was investigated and was found true under Section 316(5) and 318(4) of the BNSS and the punishment with respect to Section 316(5) of the BNSS is up to life imprisonment, as such, notice under Section 35(3) of the BNSS was not given to the petitioner, as has been pleaded at



Para-5 of the counter affidavit.

5. Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant and the inquiry was conducted behind his back.

6. Learned A.P.P. for the State rebuts the said submissions of the learned counsel appearing on behalf of the petitioner and submits that petitioner was not present at the shop when the inquiry was conducted, it is also submitted that grain is meant for poor people and petitioner being a PDS dealer siphoned off wheat and rice for selling it in the black market for earning profit and thus depriving the beneficiaries of their legitimate share.

7. Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

8. This application stands rejected.

(Satyavrat Verma, J)

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