

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81980 of 2025

Arising Out of PS. Case No.-443 Year-2025 Thana- KISHANGANJ District- Kishanganj

Perwaiz Alam @ Md. Perwaiz Alam, S/o- Ataur Rahman, Village- Damdama
PS- Bahadurganj Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with Kishanganj P.S. Case No. 443 of 2025 registered for the offences under Sections 317(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 7 of the Essential Commodities Act, 1955.

3. As per the prosecution case, the police intercepted one pickup vehicle and on search total 120 bags of urea containing 45kg each was recovered. The driver of the vehicle who was apprehended disclosed that the same was going to be delivered in Lohagara, Dighalbank.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has only been implicated in this case because he happens to be the owner of the vehicle. It has next



been submitted that the petitioner has no concern whatsoever with the urea recovered from his vehicle and the driver on his own has been carrying the same. It has further been submitted that the petitioner carries one antecedent in a case under the excise act and there is no material to connect the petitioner with the alleged incident.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Kishanganj P.S. Case No. 443 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be his close relative.
- (ii) The petitioner shall remain physically present in



Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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.

7. Accordingly, the prayer for anticipatory bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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