

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88866 of 2025

Arising Out of PS. Case No.-87 Year-2025 Thana- Amhara District- Lakhisarai

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Gautam Kumar Ram S/O Nikhedi Ram R/O Vill.- Bikkam, Kachhiana, P.S.-
Amhara, Dist.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-01-2026 Heard Mr. Kumar Gaurav, learned counsel for the

petitioner and Mr. Bhanu Pratap Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Amhara P.S. Case No. 87 of 2025, F.I.R. dated
11.09.2025 for the offences punishable under Section 7 of the
Essential Commodities Act, 1935.

3. As per the First Information Report, it is alleged that
the petitioner has done black marketing or embezzlement of
wheat and rice.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. As per allegation in the FIR, on
direction of the superior authority, the concerned authority has



inspected the shop of the petitioner. It has been found that 26.97 qtl. of wheat and 91.37 qtl. of rice was displayed in the E-POS Machine while 38.96 qtl. off wheat and 119.16 qtl. Of rice was displayed in the E-POS Machine of the attached PDS shop. He further submits that the allegation as alleged is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and due to no up-to-date of the E-POS Machine in question, the display has shown wrong figure in the E-POS Machine.

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

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and due to some technical reason, the E-POS Machine has displayed wrong figure, 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 District and Additional Session Judge-II, Lakhisarai in connection with Amhara P.S. Case No. 87 of 2025, 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 bond 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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