

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2643 of 2026

Arising Out of PS. Case No.-282 Year-2025 Thana- CHHATAPUR District- Supaul

Avdhesh Kumar, S/O Lakshman Paswan, Resident of village and P.S-
Chhatapur, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with
Chhatapur P.S. Case No. 282 of 2025 registered for the offences
under Sections 7 of the E.C. Act.

3. The allegation against the petitioner is that he is
P.D.S. dealer and on inspection through E-Pos machine shows
total 201.33 quintals to be available with the petitioner,
however, the godown of the petitioner was found to be empty.

4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case only because he did not fulfill the extraneous demand made by the informant and others. It has further been submitted that the godown of the petitioner was under repair and the entire material was kept in a nearby building, however, despite such submission being made by the petitioner, the same was not taken into account. It has next been submitted that the bona fide of the petitioner can be judged from the fact that, by Annexure P-2, he had been writing to the authorities with regard to the aforesaid situation, where he had kept the entire material in a separate building and despite such fact, no cognizance has been taken upon his request. It has also been submitted that the said material is still available with the petitioner and therefore the allegation of black marketing is false and concocted. It has lastly been submitted that the petitioner has clean antecedent.

5. Learned APP for the State has 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 Chhatapur P.S. Case No. 282 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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