

In the Court of Sri Sandip Singh, Principal District & Sessions Judge, Jamui,

A.B.A.No.751/2026

(Arising out of Barhat P.S.Case No.46/2026)

1. Ravindra Kumar S/o Narayan Sah aged about 31 years resident of village Darha, P.S. Barhat, District Jamui.
2. Jitendra Sah S/o Biranchi Sah aged about 42 years resident of village Jinhara, P.S. Laxmipur, District Jamui.

..... **Petitioners**

Vrs.

The State of Bihar..... O.P.

24.6.2026

1. This is an anticipatory bail petition filed on behalf of above named petitioners apprehending their arrest in connection with Barhat P.S.Case No.46/2026 registered for the offence U/s. 303(2) and 317(2) of the B.N.S. and section 7 of the Essential Commodities Act pending in the court of the S.D.J.M., Jamui.

2. Heard Sri Rajesh Kumar Singh, the learned counsel for the petitioner and the learned P.P. for the State.

3. The prosecution case, in short, is that the informant Nidhi Kumari who happens to be Block Supply Officer, Barhat has lodged the instant case by way of submitting an application before the SHO of Barhat Police Station alleging therein that co-accused Mahendra Paswan was apprehended with his pick-up vehicle bearing registration No.BR-46G/2656 which was loaded with illegal subsidized food grains which are 11 bags of wheat and 64 bags of Usna rice contained in hand stitched plastic bags. The total weight of food grains is 29 quintals which was handed over to the Manager of the Godown namely Manoj Kumar for safe custody and accordingly, a seizure list was prepared.

4. The learned counsel for the petitioner has submitted that the petitioners are innocent and falsely implicated in this case. The petitioner No.1 is not named in the F.I.R. but his name surfaced during investigation that the subsidized food grains belongs to him, and petitioner No.2 is the registered owner of the seized vehicle, on which, subsidized food grains were loaded. It is further submitted that both the petitioners have no any criminal antecedent. It is lastly submitted that the petitioner No.1 is not the P.D.S. dealer, and therefore, no prosecution under the Essential Commodities Act could be launched against the private person as it has been observed in Cr.Misc.No.21936/2014 vide order dated 14.8.2014 passed by the Hon'ble Court. Moreover, another co-accused

Mahendra Paswan who happens to be driver of the seized vehicle has been granted regular bail by this court vide an order dated 16.5.2026 passed in B.A. No.278/2026.

5. The learned P.P.for the State has opposed the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case, and further considering the particular fact that petitioner No.1 is not named in the F.I.R. and his name surfaced during investigation that he deals with the subsidized food grains but his name has come on the secret information by an unknown person, and the petitioner No.2 is the registered owner of the seized vehicle, on which, food grains was loaded and the total quantity of food grain is 29 quintals as stated in the F.I.R.itself.

Hence, keeping in view of the quantity and the fact that petitioner No.1 is not the PDS dealer, and petitioner No.2 is the registered owner of the seized vehicle, let the petitioners be released on anticipatory bail in the event of their arrest or surrender before the court below within four weeks from the date of the order on furnishing bail bonds of Rs.10,000/-with two sureties of the like amount each to the satisfaction of the learned court below subject to the conditions as laid down U/s.482(2) of the B.N.S.S.**with further conditions that one of the bailors of the petitioners must be their close relative, and petitioners shall remain present before the court below on each and every date, failing to appear on two consecutive dates without any cogent reason shall result in cancellation of their bail bonds.**

(Dictated)

(Sandip Singh)

Principal District & Sessions Judge, Jamui.