

In the Court of Sessions Judge, Supaul

A.B.A.-704/2026

(Arising out of Supaul PS Case No:-22/2026)

<u>29/06/2026</u>	Niranjan Choudhary, S/o- Late Shivyogi Choudhary, R/o- Nagarparisad, Supaul, Ward No.25, PS + District- Supaul; Accused/Petitioner Vs. State of Bihar.O.P. Ld. Counsel for petitioner Sri. Raj Kumar Singh, Advocate. Ld. APP Sri. Amar Kumar Das, for the State. By this order we are going to dispose off the anticipatory bail application filed on behalf of accused/ petitioner, namely Niranjan Choudhary, who is apprehending his arrest in connection with Supaul PS Case No.:–22/2026, u/s- 318(4), 111(3), 3(5) of BNS and 7(1)(3) Lottery Regulation Act, 1998. Ld. counsel for the accused/ petitioner argued that accused/ petitioner is quite innocent and has committed no crime and he has falsely been implicated in this case due to dirty village politics. He further submitted that accused/ petitioner is not involved in any other case and having the clean antecedent. He further submitted that the offence as alleged in FIR is not applicable against the accused/ petitioner. It is also submitted that accused/ petitioner is ready to abide by the provisions of section 482 of B.N.S.S, so he may be admitted to the anticipatory bail. Ld. APP for the State strongly opposed the anticipatory bail application. In brief, the prosecution story is that on dated 12.01.2026 at about 10:30 A.M., during the course of patrolling duty, Sub-inspector, Binod Kumar received a secret information about the network involved in illegal selling the printed Lottery tickets and today these accused persons are selling the ticket near Patel Chowk. Thereafter, the police team reached at Patel Chowk and found that some persons were selling the tickets under a betel shop and on seeing the police party 4-5 accused persons were managed to run away from the place of occurrence. However, two accused persons namely Vikash Kumar and Rajesh Mandal were overpowered. During the course of interrogation the accused Vikash Kumar has disclosed to the police that in connivance with accused Rajesh Mandal, he is selling the lottery tickets from his betel shop and the accused Rajesh Kandal has provided the lottery tickets to him for selling. He further disclosed to the police that today the accused Rajesh Mandal also provided the lottery tickets to him for selling and on interrogation the accused Rajesh Mandal disclosed to the police that he has received these tickets from Suresh Yadav, who is the resident of District- Khagariya and he further disclosed the names of the accused persons, who were managed to run away from the place of occurrence as Lalan Dealer, Niranjan Choudhary, Dharmendra Sah, Deepak Thakur, Maltu Choudhary, Bechu Choudhary and Botal Sah and these accused persons have also bringing the lottery tickets from Khagariya through Suresh Yadav and selling	Contd.
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<u>Contd.</u> <u>27/06/2026</u>	on different parts of district Supaul. The accused Rajesh Mandal further disclosed to the police that they are working as an organized Gang. Thereafter, in presence of Home Guard Constable Ramlakhan Yadav and Mithlesh Kumar, the betel shop of duly searched and from that shop in a huge quantity of illegal interdistrict lottery tickets and cash of Rs.3100/- was recovered and also cash of Rs.7000/- was recovered from the accused Rajesh Mandal. Accused Rajesh Mandal further disclosed that they are using the four wheeler car bearing registration No.BR11AZ5604 for bringing the lottery tickets from Khagariya. Thereafter, on the basis of self statement of Sub-inspector, Binod Kumar, the FIR was registered and two accused persons namely Vikash Kumar and Rajesh Mandal were duly arrested. Argument heard from both sides and perused the record as well as case diary. On perusal of the case diary, it transpires that the police has also recorded the statement of the members of the raiding party namely Home Guard Constable Ramlakhan Yadav and Mithlesh Kumar and have duly supported the prosecution case. Section 111(1) of BNS defines the terms of organised crime:- <i>“Any continuing unlawful activity including kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offence, cyber-crimes, trafficking or persons, drugs, weapons or illicit goods or services, human trafficking for prostitution or ransom, by any person or a group of persons acting in concert, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence, threat of violence, intimidation, coercion, or by any other unlawful means to obtain direct or indirect material benefit including a financial benefit, shall constitute organised crime”</i> And the word economic offence as mentioned in section 111(1) of BNS includes that Economic offences, or financial crimes, are illegal acts involving fraud, deception, or violation of regulations, committed for financial gain. In the present case the police has committed the raid in a betel shop near Patel Chowk and recovered some lottery tickets and cash. Thereafter, the police has only recorded the statement of the apprehended accused. Besides this the police has not make any raid at Khagariya or any other place fromwhere the accused persons have collected the lottery tickets. Except the recovery of lottery tickets from the betel shop of the accused Vikash Kumar and Rajesh Mandal, there is nothing incriminating recovered against this accused/ petitioner. The I.O has also not made any attempt to collect any evidence, which might brought the offence within the pervue of organized crime as provided u/s- 111 of BNS. There is no custodial interrogation is required. The accused/ petitioner is the permanent resident of District- Supaul and there is no chance of absconding of the accused/ petitioner. Keeping in mind the nature of allegation as well as other surrounding	Contd.
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<u>Contd.</u> <u>27/06/2026</u>	circumstances, I find that the accused/ petitioner is entitled to get the benefit of anticipatory bail. Therefore, the prayer for anticipatory bail of accused/ petitioner namely Niranjan Choudhary stands Allowed and in the event of his arrest or surrender before the court within 15 days from the date of receipt of a copy of this order, he is directed to be released on furnishing bail bonds of Rs.20,000/- with two sureties of like amount each to the satisfaction of Learned Court below with condition that he shall abide by all the conditions laid down in section 482 of B.N.S.S and one of the bailor must be family member or close relative. Dictated -Sd- (Anant Singh) Sessions Judge, Supaul	
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