

# Manoj Kumar vs The State Of Bihar on 21 November, 2022

**Author: Arun Kumar Jha**

**Bench: Arun Kumar Jha**

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.57633 of 2022  
Arising Out of PS. Case No.-235 Year-2021 Thana- GAYA KOTWALI Distri  
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Manoj Kumar, S/O Late Ishwar Prasad, Resident Of Mohalla- A.N. Road,  
Murarpur, P.S.- Kotwali, District- Gaya

... .. Petition

Versus

The State of Bihar

... .. Opposite Party/

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Appearance :

For the Petitioner/s : Mr.Raj Bansh Dubey, Advocate  
For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA  
ORAL ORDER

2 21-11-2022

This petition has been taken up for out of turn hearing on a mentioning slip being moved on the ground of marriage of the son of the petitioner has been fixed on 02.12.2022.

Heard learned counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in connection with G.R. No. 2946 of 2021 arising out of Kotwali P.S. Case No. 235 of 2021 registered for the alleged offences under Sections 272, 273 and 34 of the Indian Penal Code, Section 7 of the Essential Commodities Act and Sections 52, 59 and 63 of the Food Safety and Standards Act 2006.

The prosecution case is that a raid was conducted on the shop in the house of the co-accused Om Prakash and a large Patna High Court CR. MISC. No.57633 of 2022( 2) dt.21-11-2022 number of tins of different brands of edible oil, ghee, unbranded tins of refined oil, empty tins, containers, gas cylinders, different equipment for adulteration and mixing and stickers of different brands were recovered from the shop of the co-accused. The co- accused Om Prakash gave a written statement that the co- accused gave his shop on rent to the petitioner who has been doing the business of ghee. Thus, the allegation against the petitioner and other co-accused persons is that of adulteration of edible oil and selling it under fraudulent transaction by putting different stickers.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has come on record to show the connection of the petitioner with the recovered articles. Learned counsel further submits that it is not a case under Section 7 of the Essential Commodities Act. The co-accused persons have been granted bail by a Co-ordinate Bench of this Court vide order dated 13.07.2022 passed in Cr. Misc. No. 41500 of 2021 and 42009 of 2021. The petitioner is in custody since 24.07.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Patna High Court CR. MISC. No.57633 of 2022( 2) dt.21-11-2022 Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the grant of bail to other co-accused persons and further considering the period of custody of the petitioner along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with G.R. No. 2946 of 2021 arising out of Kotwali P.S. Case No. 235 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) The bail bond of the petitioner will be accepted by the learned trial court after its satisfaction about the marriage of the son of the petitioner.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three 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.

(Arun Kumar Jha, J) himanshu/-

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