

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 16240 of 2015

Arising Out of PS.Case No. -11 Year- 2015 Thana -KASBA District- PURNIA

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1. Ram Charitra Yadav, S/o Late Rameshwar Yadav, Resident of Village Barha Benipatti, Police Station - Benipatti, District - Madhubani at present lifting-in-Charge of S.F.C., Purnia.
 2. Shyam Kishore Gupta, S/o Late Ram Kishun Prasad Sah, Resident of Village - Ankuri, Police Station - Paliganj, District Patna at present lifting-in-Charge of S.F.C., Purnia

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Sri N. K. Agarwal, Sr. Advocate
Mr. R. K. Choudhary, Advocate
For the Opposite Party : Mr. Pronoti Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
ORAL ORDER

3 11-06-2015 Learned counsel for the petitioners has filed supplementary affidavit which is taken on record.

Heard learned counsel for the petitioners and the State.

Both the petitioners are lifting-in-charge of State Food Corporation. They are apprehending their arrest in connection with a case registered for the offences under Sections 409, 420 and other allied Sections of the Penal Code and Section 7 of the Essential Commodities Act as it is submitted that 9,880 quintals of rice which they lifted and transported through Transporting Agent Sri Om Prakash Singh have not reached the godown concerned.

It is submitted on behalf of the petitioners that there is no dispute that they have lifted the aforesaid rice and thereafter handed over the same to the Transporting Agent and obtained receipt from the Transporting Agent in prescribed form and non has challenged the genuineness of those receipts so far, which have already been deposited in the office of the State Food Corporation and in appreciation of such fact petitioners have not been named in the First Information Report which is lodged against the Transporting Agent and the truck owner and the drivers.

Let petitioners, above named, surrender in the Court below within four weeks from the date of receipt/production of a copy of this order in the Court below and thereafter be released on bail on furnishing bond of Rs.5,000/- (five thousand) each with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Purnia in connection with Kasba P.S. Case No. 11 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(V.N. Sinha, J.)

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