

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30588 of 2014

Arising Out of PS.Case No. -87 Year- 2014 Thana -SITAMARHI District- SITAMARHI

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1. Sukhari Prasad Gupta Son of Ram Chandra Prasad R/o Mohalla-Court Bazar, P.S.-Sitamarhi, District-Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Subhash Chandra Mishra(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 28-01-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner apprehends his arrest in connection with Sitamarhi P.S. Case No. 87 of 2014 registered for the offence punishable under Section 7 of the Essential Commodities Act.

Allegedly, a person was found loading rice over a mini truck 407 which was inside the godown, who disclosed his name as Nagendra Prasad Gupta before the Block Supply Officer, Dumra Block who was conducting raid. The apprehended accused also disclosed that after removing the stitch of the FCI rice were being kept in plastic bags. The five labourers managed to escape and the apprehended accused named the petitioner as the owner of the rice which was kept in two trucks which were parked



outside the rice mill, thereafter, seizure list was prepared by the informant in presence of witnesses and altogether 90 bags of rice each containing 45 kg has been seized, stitching articles and 123 quintals of rice have been seized. All the rice were handed over to PDS dealer on jimmenama. It is alleged that the petitioner might have brought the rice from the FCI which were allotted by the State Government for poor people.

Submission is that the storage of rice by the petitioner does not make out any case under Section 7 of the Essential Commodities Act as rice is decontrolled item and any wholesaler can keep, load and unload the rice bags. The bags having FCI mark are easily available in the open market as the dealers after selling the articles used to sale the empty bags in the open market, and as such, the petitioner deserves sympathetic consideration to which the learned APP does not dispute.

In the facts and circumstances stated above, the petitioner above named, in case of his surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 87 of 2014,

subject to the conditions as laid down under Section 438 (2) of the
Cr.P.C.

(Jitendra Mohan Sharma, J)

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