

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26381 of 2015

Arising Out of PS.Case No. -311 Year- 2014 Thana -THAKURGANJ District- KISANGANJ

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1. CHINI LAL MOCHI Son of Late Tulsi Ram Resident of Village-
Barchaundi, Police Station- Thakurganj in the district of Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Dr. Indihar Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case
instituted under Section 7 of the Essential Commodities Act.

The prosecution case, in short, is that one Anup Kumar
Tripathi, Circle Officer-cum-Block Supply Officer, Thakurganj
filed a written application on 13.12.2014 that he received an
information by Birendra Prasad Singh that 18 bags rice of PDS
shop were found in abandoned condition near the meal of Arif
situated at Tarabari Chowk. He further stated that on the basis of
that information, he reached the house of Mukhiya Birendra
Prasad Singh and found some persons are present. It is alleged that
18 bags rice belong to P.D.S. Dealer, namely, Chini Lal Mochi

(petitioner) and the same was seized. Thereafter production-cum-seizure list was prepared.

On behalf of the petitioner, it is submitted that the present case has been instituted due to mistake of fact. In fact no recovery has been made from the possession of the petitioner. It is further submitted that the petitioner has got no criminal antecedent.

On behalf of the State, it is submitted that the petitioner is named in the first information report.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender in the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri A. Suman, Judicial Magistrate, Ist Class, Kishanganj in connection with Thakurganj P.S. Case No. 311 of 2014 (G.R. No.2102 of 2014), subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

V.P.Sinha/-

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(Sudhir Singh, J)