

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6576 of 2015

Arising Out of PS. Case No. -79 Year- 2014 Thana -BHEJA District- MADHUBANI

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1. Bhagwat Mukhiya @ Janvitran Pranali Vikreta Bhagwat Mukhiya Son of
Late Ramfal Mukhiya Resident of Village - Bhagta, Polcie Station - Bheja,
Panchayat Basopatti, Dist.-Madhubani

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. N.K.Agarwal,
Mr. Ashok Kumar Karna, Advocates.

For the Opposite Party : Mr. M.Dayal, (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

6 03-07-2015

Heard both sides.

The petitioner deals in Public Distribution System and is facing accusations punishable under Section 7 of the Essential Commodities Act with allegation that serious irregularities were committed by him in distribution of food grains and kerosene oil to the card holders. Several reports in this regard were received whereafter the present case has been lodged with the aforesaid allegations.

Contention is that the requirement of law has not been followed before filing of the case. Owing to lodgment of the case the license of the petitioner to run the PDS shop has already been cancelled. He has been penalized. Even if going by the

allegation the petitioner is said to have been benefited of a meager amount. For securing the privilege of anticipatory bail, he is ready to deposit certain amounts subject to the result of the case. It has also been submitted that this Court in several cases have released petitioners having identical allegation on deposit of certain amounts.

Considering the submissions of the parties, I am persuaded to extend the privilege of anticipatory bail to the petitioner. Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of five weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani, in connection with Bheja P.S. case no. 79 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) Along with the bail bonds the petitioner shall furnish a demand draft of a sum of Rs. 10,000/- (Ten thousand) favouring the Collector,

Madhubani and/or receipt showing deposit of the aforesaid amount in the office of Sub Divisional Office, Jhanjharpur.

It is made clear that the deposit so made shall be without prejudice to the right and defence of the parties.

(Kishore Kumar Mandal, J)

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