

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50612 of 2014

Arising Out of PS.Case No. -411 Year- 2014 Thana -SIWAN MUFFASIL District- SIWAN

Ramprit Giri son of Kanchan Giri, R/o village- Barahan Mathia, P.S.-
Siwan Mufassil, District- Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Prakash

For the Opposite Party/s : Mr. Rajiv Nayan(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 07-05-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends his arrest in connection with
Siwan Mufassil P.S. Case No. 411 of 2014 registered for the
offences punishable under Section 7 of the Essential Commodities
Act.

One commander Jeep loaded with 18 bags of rice
having logo of FCI equivalent to 9 quintals was caught by the
villagers along with co-accused Harilal Sah, Chhote Lal Gupta and
Akbar Ali. They were handed over to Police and those accused
persons have stated that the said rice was of the petitioner who is a
PDS dealer and they were taking for black marketing.

Submission is of false implication. The petitioner's
shop was inspected and the total stock was found intact, there is no



shortage of any kind, the I. O. during course of investigation has also inspected the shop and found stock intact which is mentioned in paragraph 19 of the case diary. The Block Supply Officer who is the informant of this case, during search, has found stock intact vide annexure-3. Two Marketing Officers and ADSO after thorough checkup found no irregularity committed by the petitioner. Independent witnesses Hiralal Giri has also stated regarding innocence of the petitioner. Similarly another independent witness Balinder Giri has also stated regarding innocence of the petitioner vide para 22 of the case diary. Co-accused Harilal Sah and others have been admitted to bail and in their bail application they have not stated that the seized rice was of the petitioner or the same was purchased from the petitioner vide annexure-4, as such, the petitioner deserves sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering that during inspection no shortage was found in the shop of the petitioner, 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, Siwan in connection with Siwan Mufassil P.S. Case
No. 411 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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