

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51505 of 2014

Arising Out of PS.Case No. -386 Year- 2013 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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1. RITESH KUMAR Son of Kameshwar Mishra resident of village -
Dharhari, P.S. Chiraiya, District - East Champaran.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Jitendra Kumar Singh 1 (App)

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**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
Motihari Muffasil P.S. Case No. 386 of 2013 registered for the
offences punishable under Sections 420/34 of the Indian Penal
Code and Section 7 of the Essential Commodities Act.

On 24.10.2013 at about 1.30 am, during patrolling,
the Police party seized the truck loaded with bags of rice and
brought the said truck to Muffasil Police Station Motihari and
informed the informant who reached and inspected the loaded
bags of rice and on inspection it was found that as per the Challan
no. 659751, 310 bags of rice were loaded on the truck but on
physical verification only 304 bags were found, accordingly, it has
been alleged that six bags of rice, weighing 3 quintals, were sold

in black marketing and at that time co-accused Baleshwar Mishra was driving the truck but in the challan the petitioner was shown as driver and from the truck two Boma, empty bags, one sua and sutali were seized.

Submission is of false implication and that the petitioner was not present in the said truck. It is false that the petitioner is the driver of the said truck and, as such, he deserves sympathetic consideration to which the learned APP opposes.

In the facts and circumstances stated above, considering that the petitioner was not present at the spot and in the challan he has been shown as driver, 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 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, East Champaran at Motihari in connection with Motihari mufassil P.S. Case No. 386 of 2013, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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