

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.39344 of 2014**

Arising Out of PS.Case No. -87 Year- 2014 Thana -CHANPATIA District-  
WESTCHAMPARAN(BETTIAH)

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Noorul Hoda, son of Md. Sakur, resident of Mohalla-Chanpatia, Ward No.4,  
P.S.-Chanpatia, Distt.-West Champaran.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate

For the Opposite Party : Mr. Nirmal Kumar Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI**

**ORAL ORDER**

2      16-04-2015

This is an application, made under Section 438 of the Code of Criminal Procedure, seeking pre-arrest bail by the petitioner, namely, Noorul Hoda, in connection with Chanpatia Police Station Case No. 87 of 2014 under Section 7 of the Essential Commodities Act.

Perused the above application and materials on record including a copy of the order, dated 02.09.2014, passed, in A.B.P. No. 1027 of 2014, by the learned Sessions Judge, West Champaran at Bettiah, rejecting the said application for pre-arrest bail.

Heard Mr. D.K. Tiwari, learned counsel for the petitioners, and Mr. N.K.Sinha, learned Additional Public Prosecutor, appearing for the State.

The High Court, while exercising its powers under

Section 438 Code of Criminal Procedure, stands on the same footing as does a Sessions Judge inasmuch as a High Court and Sessions Judge have coordinate jurisdiction, while exercising power under Section 438 Code of Criminal Procedure.

Considering the fact that perusal of the materials on record reveals sufficient incriminating materials against the petitioner and also indicates that custodial interrogation is necessary in order to carry out effective investigation, this Court is of the view that in the facts and attending circumstances of the present case, the petitioner has not been able to make out any case calling for giving them benefit of pre-arrest bail.

In view of the above and in the interest of justice, the prayer for pre-arrest bail is hereby rejected.

**(I. A. Ansari, J)**

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