

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50793 of 2015

Arising Out of PS.Case No. -29 Year- 2015 Thana -MALI District- AURANGABAD

- =====
1. Ramjee Gupta @ Ramjee Prasad Gupta, S/o Late Laxman Sah, Resident of Village- Jaihind Tenduwa, P.S.- Mali, District- Aurangabad.
2. Saroj Kumar Chauhan, S/o Paras Nath Chohan Village- Sardiha, P.S.- Mali, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.52140 of 2015

Arising Out of PS.Case No. -29 Year- 2015 Thana -MALI District- AURANGABAD

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Mahesh Saw @ Mahesh Sao, S/o Sutmal Saw, resident of Village- Jaihind Tendua, P.S. Mali, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.50793 of 2015)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

For the Opposite Party/s : APP

(In Cr.Misc. No.52140 of 2015)

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv.

For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 06-11-2015 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Section 7 of the E.C Act registered in connection with Mali P.S. Case No. 29 of 2015.

3. It is submitted that the petitioners of Criminal



Miscellaneous No. 50793 of 2015 are the driver and owner of the concerned Vehicle No. BR26B-3757 on which 45 bags containing 50 Kgs. Of rice were found laden. The petitioner of Criminal Miscellaneous No. 52140 is the PDS dealer on whose shop the alleged rice is said to have been loaded. It is further submitted on behalf of the petitioners that they have been falsely implicated as in fact the rice did not belong to the shop of the said PDS dealer rather the seized rice belonged to one Govind Sao who has come forward for release of the same.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Aurangabad, in connection with Mali P.S. Case No. 29 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions :

(i) The petitioners shall cooperate with the investigation and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(ii) The petitioners shall remain

physically present on each and every date during trial and in the event of failure on two consecutive dates, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Md. Ibrarul/-

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