

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54239 of 2015

Arising Out of PS.Case No. -301 Year- 2014 Thana -MARHAURA District- SARAN

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Anil Prasad @ Anil Rai Son of Ram Lagan Prasad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Dikshit, Advocate

For the Opposite Party/s : Mr. Ansuaiya Jaiswal (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-11-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 7 of the Essential Commodities Act.

It is alleged that 12 quintals of rice having FCI's logo were recovered leading to registration of FIR.

The petitioner was granted anticipatory bail by learned Sessions Judge, Saran vide order dated 13.03.2015 in ABP No.2290 of 2014 till conclusion of the investigation/submission of final form.

The present anticipatory bail is not maintainable in view of the fact that in pursuance to the anticipatory bail granted to the petitioner, till conclusion of the investigation/submission

of charge-sheet, the petitioner furnished bail bonds, hence, he is in deemed custody of the court in view of the ratio laid down in the case of **Bishundeo Sahu versus State of Bihar** reported in **2011(1) PLJR 731**.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Morhowrah P.S. Case No.301 of 2014, pending before the learned CJM, Saran at Chapra.

With the above observation, this application is, accordingly, disposed off.

However, it is made clear that under the circumstances the regular bail can only be denied if the petitioner has misused the privilege of anticipatory bail.

(Dinesh Kumar Singh, J)

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