

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29119 of 2014

Arising Out of PS.Case No. -33 Year- 2014 Thana -MARHAURA District- SARAN

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Bijali Rai @ Bijuli Rai, son of late Baskit Rai, resident of Village -
Tejpurwa Shivganj, P.S. Morhowrrah, Distt - Saran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Najir Ansari (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 08-01-2015 Heard learned counsel for the petitioner and
learned counsel representing the State.

The petitioner apprehending his arrest in connection with Morhowrrah P.S. Case No. 33 of 2014 registered for the offence under Section 7 of the E.C. Act seeks privilege of pre arrest bail.

Acting on a tip-off, Mathiyha of Ram Janki Temple was raided from where 4165 liters K-oil kept in drum and different size of gallons and chemical to prepare diesel and petrol from K-oil was seized besides apparatus for measurement. It was told that this petitioner has stored all the above things and he is indulged in black marketing.

Submission is that the petitioner has got no concern with the seized articles. The petitioner has got no concern with the alleged premises, neither the Mahanth of the

temple has been made accused or witness. The house of the petitioner is situated at a distance of 1 K.M. from there. It has not come during investigation, who disclosed the seized chemical and K-oil belonged to this petitioners. Mahanth was best person to disclose the name of that person who had stored the above seized items but he has not been examined. The petitioner is poor labourer and he used to sell fried grains on Thela to which the learned APP opposes.

Considering that the petitioner is not claiming the seized articles and further the petitioner has also got no concern with the premises from where the articles have been seized and as such in case of arrest or surrender before the court below within two months from the date of receipt/production of a copy of this order, the petitioner namely Bijali Rai @ Bijuli Rai 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 learned Chief Judicial Magistrate, Saran at Chapra in connection with Morhowrah P.S. Case No. 33 of 2014 with condition as laid down under Section 438(2) Cr.P.C.

(Jitendra Mohan Sharma, J)

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