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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41139 of 2014

Arising Out of PS.Case No. -371 Year- 2014 Thana -PURNEA SADAR District- PURNIA

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ATULANAND CHOUDHARY, SON OF DEVA NAND CHOUDHARY, RESIDENT OF SAHEVAN TOLA, P.S.-K. HAT, DISTRICT-PURNEA.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR .... OPPOSITE PARTY/S

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with

Criminal Miscellaneous No.49173 of 2014

Arising Out of PS. Case No. -371 Year- 2014 Thana -PURNEA SADAR District- PURNIA

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1. CHHAVI RANI SAH @ CHHAVI RANI WIFE OF SHREE JANARDAN SAH RESIDENT OF MOHALLA - SAH TOLI, BELAURI, POLICE STATION PURNIA MUFFASSIL, DISTRICT - PURNEA.
2. PUTUL DEVI WIFE OF RAMANAND SAH @ PARMANAND SAH RESIDENT OF MOHALLA - SAH TOLI, BELAURI POLICE STATION PURNIA MUFFASSIL, DISTRICT - PURNIA.
3. SURAJ KUMAR @ SURAJ SAH SON OF SHYAMANAND SAH RESIDENT OF MOHALLA - SAH TOLI, BELAURI POLICE STATION PURNIA MUFFASSIL, DISTRICT - PURNIA.
4. SUBHASH YADAV SON OF RAM PRAKASH YADAV RESIDENT OF MOHALLA - SAH TOLI, BELAURI POLICE STATION PURNIA MUFFASSIL, DISTRICT - PURNIA.
5. KUNDAN KUMAR SON OF GANGA THAKUR RESIDENT OF MOHALLA - GARHIA TOLA, POLICE STATION PURNIA MUFFASSIL, DISTRICT PURNIA.
6. KUNADN KUMAR SON OF PARMESHWAR MANDAL RESIDENT OF MOHALLA - BELAURI, POLICE STATION PURNIA MUFFASSIL, DISTRICT PURNIA.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR .... OPPOSITE PARTY/S

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Appearance:
(In Cr. Misc. No.41139 of 2014)
For the Petitioner/s : Mr. Raj Kumar, Adv.
For the Opposite Party/s : Mr. Md. Ansural Haque, APP
(In Cr. Misc. No.49173 of 2014)
For the Petitioner/s : Mr. Rama Nand Poddar, Adv.
For the Opposite Party/s : Mr. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

3 07-04-2015 Criminal Miscellaneous No.41139 of 2014 wherein Atulanand Choudhary is the petitioner while Criminal

Miscellaneous No.49173 of 2014 wherein Chhavi Rani Sah @ Chhavi Rani, Putul Devi, Suraj Kumar @ Suraj Sah, Subhash Yadav, Kundan Kumar Son of Late Ganga Thakur, Kundan Kumar Son of Parmeshwar Mandal are the petitioners, commonly originate out of Purnea Sadar (Muffasil) P.S. Case No.371 of 2014 on account thereof, have been heard together and are being disposed of by a common order.

Informant, Ajay Chandra Kishore, Block Supply Officer filed written report putting an allegation that after coming to know about unloading of cereals from trucks having parked near the house of Ex-mukhiyaji in village-Belauri, he along with police personnel arrived and found three trucks having been parked since before. Driver and some other persons escaped therefrom seeing the police. He had further narrated the registration number of trucks along with quantity of the bags having laden thereupon. It has also been disclosed that all the bags were carrying seal of Government of Punjab. It has also been disclosed that they have searched house of Suraj Sah lying adjacent thereof and found twelve bags of wheat weighing six quintals and accordingly, inferred that those cereals were diverted for the purpose of black-marketing.

So far status of petitioners Atulanand Choudhary, Putul Devi and Chhavi Rani are concerned, they happens to be the owner of respective trucks and from the written report, it is not apparent that their presence was there. Subhash Yadav, Kundan Kumar Son of Late Ganga Thakur, Kundan Kumar

Son of Parmeshwar Mandal are the drivers of the said vehicles. Being public career and hired for transportation would not attract liability. Furthermore, petitioner Suraj Sah happens to be person whose house was searched in his absence and six quintals of wheat was seized therefrom. However, the prosecution is completely silent whether the aforesaid wheat happens to be the item belonging to any of the order so fallen under the purview of Section 7 of the E.C. Act, that too having in his absence.

In the aforesaid facts and circumstances of the case, petitioners Atulanand Choudhary, Chhavi Rani Sah @ Chhavi Rani, Putul Devi, Suraj Kumar @ Suraj Sah, Subhash Yadav, Kundan Kumar Son of Late Ganga Thakur, Kunadn Kumar Son of Parmeshwar Mandal each are directed to be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Purnea in the event of their arrest / surrender within four weeks in connection with Purnea Sadar (Muffasil) P.S. Case No.371 of 2014 in terms of condition so enumerated under Section 438(2) Cr.P.C.

(Aditya Kumar Trivedi, J.)

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