

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22176 of 2015

Arising Out of PS.Case No. -137 Year- 2013 Thana -PALASI District- ARRARIA

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1. Tirtha Nand Sah S/o Late Bishan Lal Sah Resident of Village - Bhikha,
P.S. - Palasi, District - Araria.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance:

For the Petitioner : Mr. N.K.Agarwal, Sr.Adv. &
Mr. Dhananjaya Nath Tiwari Adv.
For the Opposite Party : Mr. Iftekhar Mahmood(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 10-07-2015

Heard both sides.

The petitioner apprehends his arrest in connection with Palasi P.S. case no. 137 of 2013, registered under section 7 of the Essential Commodities Act and Section 414 of the IPC.

Prosecution case in nut-sheet is that one Maxima truck loaded with 33 bags of Arwa rice weighing 15 and old quintals were seized. The driver of the truck disclosed that the rice was loaded from the PACS go-down. Petitioner being PDS dealer and chairman of the PAC has been named in the FIR lodged by the Block Supply Officer, Palasi.

Contention of the petitioner is that from bare perusal of the FIR, it would appear that proper verification could not be made on that day. Subsequently, it was made by the Additional District Supply officer on 7.10.2013 and no discrepancy was

found either in the register or in the stock. He is running the PDS shop since 1982 without such an allegation.

In the facts and circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the petitioner. Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Araria, in connection with Palasi P.S. case no. 137 of 2013 (G.R.No. 2136 of 2013, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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