

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43970 of 2015

Arising Out of PS.Case No. -156 Year- 2015 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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Vishwanath Kuwar son of Late Mathura Kuwar, Resident of Village- Briti
Tola, Sonarapur, P.S- Kesariya, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Mr. Anil Kr. Singh No.1 (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 14-10-2015 Heard counsel for the petitioner and the State.

The petitioner is a PDS dealer having a licence to deal in food grains/food articles. He is facing prosecution under section 7 of the E.C. Act on the strength of an FIR lodged by the Block Supply Officer alleging that although the food articles were received by the petitioner but the same was/were not disbursed to the eligible ration card holders for one month. On complaint, an enquiry into the matter was made whereafter the FIR has been lodged.

Counsel for the petitioner submits that the persons who are alleged to have not been supplied food grains against the ration card(s) subsequently stated on affidavit about the delivery of food articles. The licence of the petitioner to deal in food items issued under the provisions of the Act has already been cancelled. The petitioner is

ready to deposit certain amount until his case is decided apart from furnishing bail bonds before the grant of anticipatory bail.

Having considered the submissions of the parties, the petitioner above named, in the event of arrest/surrender within four weeks from today, shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction Chief Judicial Magistrate, East Champaran, Motihari in Kesariya P. S. Case No. 156 of 2015(G.R. Case No. 2915 of 2015) on condition that one of the bailors shall be his own/close family member. In the event of framing of charge, he shall appear in person on each date fixed at the trial. In case of default in doing so on two consecutive dates, the trial court shall have liberty to cancel his bail bonds. Moreover, along with the bail bonds the petitioner shall produce a receipt showing deposit/payment of Rs.10,000/- in the office of the informant and/or in the court below.

(Kishore Kumar Mandal, J)

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