

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39159 of 2015

Arising Out of PS.Case No. -181 Year- 2015 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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Razi Ahmad, Son of Late Noor Hassan, resident of Village- Rahimpur
Rudauli, P.S.- Samastipur, District- Samastipur. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kr. Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 28-09-2015

Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Samastipur (M) P.S. Case No. 181 of 2015, disclosing offences under Section 7 of Essential Commodities Act.

The petitioner is a PDS dealer. He has been made accused on the ground that 14 bags of wheat and two bags of rice, each weighing 50 Kg. were found loaded on a motorized rickshaw in front of his PDS shop. On the basis that the food grains, meant for distribution to the public under PDS through shop of the petitioner, was going to be sold in the black market, the petitioner has been implicated in this case.

Learned counsel for the petitioner has submitted that had the said food grains been taken out from the petitioner's shop, there would have been shortage in the stock, as per the stock

register. He submits that no such shortage was found. He further contends that the petitioner has never been implicated in a case under Section 7 of the Essential Commodities Act earlier. He also contends that there is no chance of the petitioner tampering with the evidence, in view of the nature of allegation.

Considering the submission as aforesaid, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Samastipur in connection with Samastipur (M) P.S. Case No. 181 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Vats/-

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