

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 48217 of 2014

Arising Out of PS.Case No. -171 Year- 2014 Thana -KUMARKHAND District- MADHEPURA

Pradip Sardar, Son of Mahendra Sardar resident of village- Tikulia, P.S.-
Bishanpur, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 14-05-2015

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in
Kumarkhand P.S. Case No. 171 of 2014 dated 21.08.2014
instituted under Section 7 of The Essential Commodities Act,
1955.

The allegation against the petitioner who is not
named in the F.I.R. is that he was the driver of the
tractor/trailer on which 60 quintals of rice which was lifted
from the Bihar State Food Corporation godown for mid-day
meal were being taken to the market for illegal sale.

Learned counsel for the petitioner submits that
neither he is named in the F.I.R. nor anybody has seen him at
the place of occurrence and only on the basis of suspicion he is
being dragged as an accused as he is the driver of another
vehicle belonging to the same owner to whom the vehicle which

has been seized belongs. It is submitted that the petitioner has valid driving licence since of the year 2007 and has no criminal antecedent.

Learned A.P.P. submits that the owner of the vehicle has taken the name of the petitioner as the person who was driving the vehicle at the time of occurrence and this coupled with the fact that he ran away from the place of occurrence goes to show that he was aware of the illegal activity and does not deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, this Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for regular bail before the Court below, the same shall be considered on its own merits without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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