

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37941 of 2015

Arising Out of PS.Case No. -68 Year- 2015 Thana -MURLIGANJ District- MADHEPURA

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1. Mahesh Bhagat Son of Late Laxman Bhagat Resident of village -
Murliganj, Ward No. 9, Police Station - Murliganj, District - Madhepura
.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Jagdhar Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-09-2015

Heard learned counsels for the petitioner and
the State.

Petitioner is apprehending his arrest in a case
registered for the offences punishable under Section 7 of the
Essential Commodities Act.

The prosecution case is that on the order of
S.D.O, Madhepura the Assistant District Supply Officer
inspected the P.D.S dealership of the petitioner and found 38
unsealed bags of urea fertilizer along with 13 bags of wheat
kept in the bags of State Food Corporation and 6.5 quintals of
wheat and 33 quintals of which suggests that petitioner was
suspected to had been indulged in black marketing.

It is submitted by learned counsel for the
petitioner that there is nothing on record to suggest that
Assistant District Supply Officer found the petitioner selling the
food-grains in the black market and mere certain discrepancies

between the stock and stock register do not constitute an offence under Section 7 of the Essential Commodities Act. It is further submitted that neither petitioner was present on the place of seizure nor seizure list was handed over to the petitioner or his family members. Moreover the stock was not tallied with the stock register the stock register was never handed over to the informant.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Considering the nature of accusation, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Murliganj P.S. Case No. 68 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Shageer/-

(Dinesh Kumar Singh, J)

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