

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38803 of 2015

Arising Out of PS.Case No. -116 Year- 2015 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

Hiralal Prasad Son of Late Bagar Sah, Resident of Village- Bhawanipur
Mauza, P.S.- Adapur, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Aditya Narayan Singh 1(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 29-09-2015

Heard learned counsels for the petitioner
and the State.

The petitioner being a PDS dealer 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 the District
Supply Officer made the inspection of the PDS dealers and
found their shops closed when it was complained by the
beneficiaries that they were not being supplied the grains and
kerosene oil under Antyodhya scheme in spite of having Rshan
card and the PDS dealers used to sell the grains and kerosene oil

in black market.

It is submitted by learned counsel for the petitioner that as per the FIR it is admitted that inspection was not actually made and only on presumption the case has been lodged. The FIR suggests that the recommendation for cancellation of PDS dealership licence has been made. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent and co-accused Sunil Kumar Yadav and Birendra Prasad Yadav have been granted bail vide Cr. Misc. No. 37959 of 2015.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Raxaul, District – East Champaran at Motihari in connection with Adapur P.S. Case No. 116 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner shall be accepted on filing affidavit that he will regularly co-operate in

the investigation. The non-cooperation in investigation will give liberty to the learned court below to cancel the bail bonds of the petitioner.

(Dinesh Kumar Singh, J)

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