

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35386 of 2015

Arising Out of PS.Case No. -44 Year- 2012 Thana -PURNEA SADAR District- PURNIA

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1. BISHWESHWER PRASAD SINGH @ BISHWESHAR PRASAD SINGH son of Late Indradeo Singh, Permanent R/o Vill.- Hasanpura, P.O.- Babu Tola Kohara, P.S.- Maker, District- Saran, State- Bihar and at present owner, proprietor and Manager of Pankaj Transport Company (Rail, Road & Air Carriers, Transporters & Clearing Agents), Nehru Road, Moti Mill Compound, Khalpara, Silliguri, P.S.- Silliguri, District- Darjeeling, State- West Bengal and its Branch Office at Pankaj Transport Company, Sonouli Chowk, Hansada Road, Gulab Bigha, Nirmal Daga Compound, P.S.- Sadar, District- Purnea, State- Bihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyam Kishore Sinha

For the Opposite Party/s : Mr. Gopesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-08-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 419,420 and 307/34 of the Indian Penal Code and section 26 of Food Safety and Standards Act, 2006.

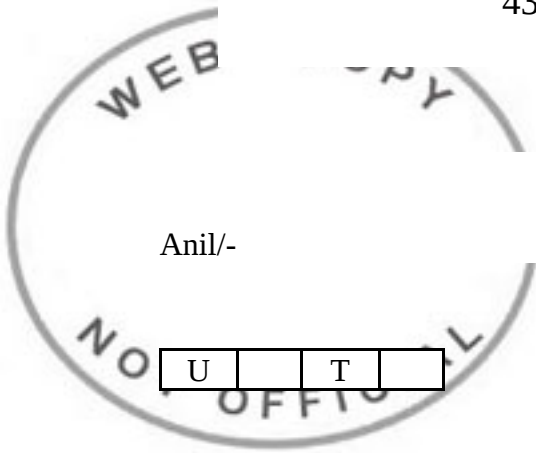
The prosecution case is that one truck was intercepted loaded with Dalda and Refined oil which were being transported from Siliguri to Purnea without any valid document.



It is submitted by the learned counsel for the petitioner that the entire prosecution case is misconceived as it is not initiated in accordance with the provision of Food Safety and Standards Act, 2006. It is further submitted that the goods in question were transported from Siliguri and thereafter it was seized at Purnea but no copy of the seizurelist was ever supplied to the co accused Bimal Saha who was getting the seized articles transported. It is also submitted that petitioner is simply the owner/proprietor of Pankaj Transport Company on whose truck the goods were being transported when the owner of the goods has been granted anticipatory bail vide Cr. Misc. No. 31673 of 2015. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Purnea in connection with Sadar P.S. Case No.44 of 2012

subject to the conditions as laid down under Section
438(2) Cr.P.C.



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(Dinesh Kumar Singh, J)