

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46354 of 2014

Arising Out of PS.Case No. -246 Year- 2014 Thana -PAROO District- MUZAFFARPUR

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1. Sunil Sah S/o Ramchandra Sah Resident of - Chakbharatpatti, P.S. -
Paroo, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

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

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 21-05-2015

Heard the Counsel for the petitioner and learned APP
for the State.

The petitioner apprehends his arrest in connection
with Paroo P.S. Case No. 246 of 2014 instituted under Section 420
IPC and Section 7 of the E.C. Act. The allegation is that the
petitioner was found carrying 35 bags of rice laden on a trailer of
the tractor which were found packed in the bags having monogram
of F.C.I.

Contention of the petitioner is that he is not a P.D.S.
Dealer. Only on mere suspicion, the allegation was levelled that
the same was being carried for black marketing. This Court in
similar identical facts/situation had granted the privilege of
anticipatory bail. Diverse orders passed in this regard by different
benches have been placed on record.

Learned APP opposed the prayer alleging that the rice was meant for distribution amongst the eligible category of citizens.

Considering the fact that petitioner, as asserted, has a clean antecedent and that several accuseds having identical allegation have been released on anticipatory bail as also the fact that the petitioner is ready to deposit some amount as security money in cash, I am inclined to privilege him with anticipatory bail.

In the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to 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 S.D.J.M. (West), Muzaffarpur in Paroo P.S. Case No. 246 of 2014 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(I) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default on two consecutive occasions without any

cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner secure his arrest in accordance with law.

(iii) Along with the bail bonds, the petitioner shall produce receipt showing deposit of a sum of Rs. 8,000/- (eight thousand) in the Nazarat of the Court. Such deposit will be without prejudice to his right of defence. It will be open to the State respondent to utilize the same but the said deposit will abide by the final outcome of the case.

Pankaj/-

(Kishore Kumar Mandal, J)

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