

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4004 of 2016

Arising Out of PS.Case No. -281 Year- 2015 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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Rahul Kumar @ Pitamber Prasad @ Raju Son of Bishwanath Prasad @
Moti Lal Sah resident of Chawal Bazar, Raxaul, P.S. Raxaul, Distt. - East
Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv.

For the Opposite Party/s : Ms. Smt. Nirmala Kumari(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 11-02-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is in custody since 29.11.2015 in
connection with Raxaul P.S. Case No. 281/2015, registered for the
offences punishable under Section 7 of the E.C. Act.

Learned counsel for the petitioner submits that the
petitioner has not contravened any provisions of Section 3 of the
E.C. Act and thus cannot be prosecuted under Section 7 of the
E.C. Act. It is further submitted that the cylinders purported to
have been recovered from his possession were in fact that of the
vendors of different companies who used to keep the cylinders
there and carry them to and fro from his shop for delivering the

same to the customers. It is further submitted that even if allegation levelled in the prosecution report is accepted on its face value, yet no offence under E.C. Act is made out against the petitioner.

Considering the aforementioned facts and that the petitioner has no concern with the alleged seized gas cylinder, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Raxaul at Motihari in connection with Raxaul P.S. Case No. 281/2015.

(Anjana Mishra, J.)

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