

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11290 of 2016

Arising Out of PS.Case No. -171 Year- 1996 Thana -GAYGHAT District- MUZAFFARPUR

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Ram Chandra Rai Son of Sheonandan Rai resident of village - Khajuri, P.S.
Gaighat, District - Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection with Gaighat P.S. Case No.171 of 1996 for the offence instituted under Section 7 of the Essential Commodities Act.

The prosecution case, in brief, is that the petitioner is a P.D.S. Dealer and he was allotted by order dated 5.10.1996 was given 170 quintals of wheat to keep the same till further orders from the office. It is alleged that on 19.10.1996, the District Development Officer, Muzaffarpur inspected the shop and upon enquiry, he came to know that instead of storing the same in the shop of the wheat was sold elsewhere in black market.

It is submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. Petitioner has been

made accused due to mistake of fact. After investigation, vide Annexure-2 police had submitted final form in the present case. The court below differing with the said police, investigation took cognizance. Subsequently, the said order of cognizance was set aside by the Hon'ble High Court and the matter was remitted back to the court below. Thereafter, the court below again took cognizance and issued process against the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances that the police had submitted a final form in respect to the petitioner and High Court heard, quashed the cognizance order of the court below, let the above named petitioner, in the event of arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of S.D.J.M. (East), Muzaffarpur, in connection with Gaighat P.S. Case No.171 of 1996, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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