

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11936 of 2016

Arising Out of PS.Case No. -22 Year- 2016 Thana -MAUZAHDIPUR District- BHAGALPUR

1. Subhash Yadav
2. Santosh Kumar

Both sons of Late Rajendra Prasad Yadav, residents of Mohalla -
Hussainabad, Durga Asthan, Police Station - Babarganj, District -
Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N.K.Agrawal, Sr.Adv.
Mr. S.M. Ashraf, Adv.

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 28-03-2016

Heard.

The petitioners apprehend their arrest in a criminal prosecution registered under Section 7 of the Essential Commodities Act.

Though the driver and owner of the seized truck have been named as accused persons in the FIR vide Annexure-1, but so far these petitioners are concerned, they are not specifically named as accused persons in the FIR. Taking into consideration the aforesaid aspect and also taking into consideration the fact that though 293 quintal and 20 kgs of wheat is said to have been seized from the seized truck of the petitioner no.1, but in the whole FIR it has nowhere been alleged that which order issued under Section 3 of the E.C. Act punishable under Section 7 of the E.C. Act has been violated by the petitioners/accused persons and further taking into consideration the fact that the petitioners are said to be the first offenders, as is being submitted by the learned senior counsel appearing on behalf of the petitioners, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of

anticipatory bail. Accordingly, their prayer for grant of anticipatory bail is allowed.

In the event of their arrest or surrender in the court below within a period of four weeks from today, let the above named petitioners be enlarged on bail on furnishing bail bond of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 22 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

- (A) One of the bailors must be government servant or close family members of the petitioners, who will file an affidavit in the court below showing his/her relationship with the petitioners,
- (B) if the petitioners are found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every date, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioners.

Arvind/-

U		T	
---	--	---	--

(Birendra Prasad Verma, J)