

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16619 of 2016

Arising Out of PS.Case No. -13 Year- 2016 Thana -SIKARHATA District- BHOJPUR

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Pushpa Devi wife of Sri Rameshwar Prasad Owner of M/s Raj Traders,
resident of KG Road, PS Ara Nawada District Bhojpur, Bihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 05-07-2016 Heard both sides.

The petitioner apprehends his arrest in Sikarhatta P.S.
Case No. 13/2016 (G.R. No. 1033/2016), registered for the
offence punishable under Sections 411, 120B of the Indian Penal
Code and Section 7 of the Essential Commodities Act.

The informant got secret information raided the premises
of Singh Rice Mill and found many rice loaded trucks inside and
outside the premises. All the trucks were seized.

It is submitted that Truck bearing no. UP60K1091, JH-
09D7679, JH-01AE-5356, WB41C6084 in which the petitioner
loaded rice from Ara godown to unload the same to another
godown were found inside the premises of Singh Rice Mills.

It is alleged that petitioner instead of unloading the

aforesaid subsidized rice to Garhani godown parked the vehicle inside the premises of Singh Rice Mills for black-marketing.

Learned counsel for the petitioner submits that from perusal of page 31 of the F.I.R. Goods Inward Register of B.S.F.C. it would appear that the petitioner loaded the rice in the said trucks on 28.01.2016 for carrying the same to the Garhani godown and on the same day petitioner unloaded the aforesaid trucks to Garhani godown. Petitioner is not the truck owner he hired aforesaid trucks for loading and unloading.

It is submitted that Niraj Kumar, owner of Singh Rice Mills has been granted anticipatory bail vide order dated 11.05.2016 passed in Cr. Misc. 19077/2016 and another truck owner has also been granted anticipatory bail vide order dated 03.05.2016 passed in Cr. Misc. 17904/2016.

Learned A.P.P. however vehemently opposed the prayer for bail.

It appears that of course the aforesaid trucks which were earlier hired by the petitioner found parked inside the premises of Singh Rice Mills loaded with rice, but petitioner loaded the rice on the aforesaid trucks on 28.01.2016 for carrying and unloading the same to Garhani godown. The informant himself collected the Goods Inward Register which shows that petitioner unloaded rice

of all the trucks to Garhani godown and the aforesaid trucks were found parked inside the premises of Singh Rice Mills on 30.01.2016.

Considering the facts aforesaid, the petitioner, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-divisional Judicial Magistrate, Ara in connection with Sikarhatta P.S. Case No. 13/2016 (G.R. No. 1033/2015), subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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