

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14457 of 2016

Arising Out of PS.Case No. -16 Year- 2016 Thana -AWADPUR District- KATIHAR

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Md. Mojib @ Mojib son of Haidar Ali, resident of village- Dharamganj,
P.S. Abadpur, District- Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar-II(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-04-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Abadpur P.S. Case No. 16 of 2016 registered for offence
punishable under Section 7 of the Essential Commodities Act.

The prosecution case, in brief, is that on 16.02.2016 the
petitioner after loading the grains in a Pickup Van was going to
sell the same in market, but in the way on suspicion the villagers
caught the Van and handed over to the police. However, petitioner
managed to escape.

It has been submitted by the counsel for the petitioner
that petitioner bears no criminal antecedent and has falsely been
implicated on the basis of the confessional statement of one Md.

Belal. It has further been submitted that petitioner is neither owner of the vehicle in question nor he is PDS dealer, hence, Section 7 of the Essential Commodities Act is not applicable to him. Petitioner has not been found to be driving the Pickup Van in question by the Block Supply Officer.

However, learned A.P.P. for the State submits that petitioner's name surfaced on the basis of the confessional statement of co-accused, hence, opposes the prayer for bail.

Be that as it may, since the confessional statement of a co-accused has no evidentiary value in the eye of law, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Abadpur P.S. Case No. 16 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

Arjun/-

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