

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14130 of 2016

Arising Out of PS.Case No. -26 Year- 2016 Thana -BARUN District- AURANGABAD

Sunil Kumar Singh, Son of Late Ram Naresh Singh, Resident of Singh Kothi, Old G.T. Road, P.O., P.S. Town and District Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.14157 of 2016

Arising Out of PS.Case No. -26 Year- 2016 Thana -BARUN District- AURANGABAD

Mundrika Prasad Chaudhary, Son of Late Panchu Choudhary, Resident of Dharmashala Road, P.O., P.S. Town and District Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.14130 of 2016)

For the Petitioner/s : Mr. Alok Kumar Agarwal
Mrs. Priya Gupta

For the Opposite Party/s : Mr. Bharat Lal(App)

(In Cr.Misc. No.14157 of 2016)

For the Petitioner/s : Mr. Alok Kumar Agarwal
Mrs. Priya Gupta

For the Opposite Party/s : Mr. M.Dayal (App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 26-05-2016 Heard Mr. Alok Kumar Agarwal, in support of the two

anticipatory bail applications i.e. Cr. Misc. No. 14130 of 2016

and Cr. Misc. No. 14157 of 2016 arising out of Barun P.S. Case

No. 26 of 2016, registered under Section 406, 420, 467, 468,

471, 161 and 120B of the Indian Penal Code.

The petitioner of Cr. Misc. No. 14130 of 2016 is alleged to be the owner of the Unit which was inspected by the Circle Officer and other officers, whereas petitioner of Cr. Misc. No. 14157 of 2016 is the General Manager of the District Industry Centre who constituted the inspection team.

In short, the allegation is that in the search/inspection carried out of the business premises of the petitioner of 1st case, shortage of coal was found in the stock which was allegedly sold in the black market.

Contention of the petitioner(s) is that the coal is no longer an essential commodity after the amendment brought in the Essential Commodities Act on 26th December, 2006.

The counsel for the State, has, however, submitted that petitioner obtained coal under linkage system from the Coal India Ltd. which was meant for industrial use but, instead of doing so, the same was being sold in black market at higher price.

The counsel for the petitioner(s) submits that the General Manager of District Industry Centre, has, sent reports about the utility/consumption of coal which is the Competent Authority. The officers of the Coal India Ltd. have not alleged

any misuse of coal on inspection.

Be that as it may, in the facts and circumstances of the case, let the petitioners above named, in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad in Barun P.S. Case No. 26/2016 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be his/their own/close family member. The petitioner shall appear on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel their bail bonds.

(Kishore Kumar Mandal, J)

rohit/-

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