

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18374 of 2016

Arising Out of PS.Case No. -217 Year- 2015 Thana -BHANGWANPUR HAT District- SIWAN

1. Raju Rai S/o Sabhapati Rai PACS Manager Utari Saghar Sultanpur P.s
Bhagwanpur, District Siwan, Resident of Village- Mahna, Ps
Bhagwanpur, Distt Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar

For the Opposite Party/s : Mr. G.S.Gupta(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-04-2016

The petitioner being Manager of the PACS of Mahna Gram Panchayat is apprehending his arrest in a case registered for the offences punishable under Section 7 of the Essential Commodities Act.

The prosecution case is that the godown of Primary Agriculture Co-operative Society of Mahna Gram Panchayat was raided when it was found that a pick-up van was parked outside the godown on which grains were being loaded and inside the godown the grains were being transferred from the bags of F.C.I to the plastic bags. It is also alleged that 7.30 quintals of wheat and 43.5 quintals of rice were found along with the electronic weighing machine and measure.

It is submitted by learned counsel for the petitioner that purchase was made from the farmers under

valid license issued by the authority and even assuming the accusation, no offence under Section 7 of the Essential Commodities Act is made out against the petitioner.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Siwan in connection with Bhagwanpur P.S. Case No. 217 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Shageer/-

(Dinesh Kumar Singh, J)

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