

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.17565 of 2016**

Arising Out of PS.Case No. -10 Year- 2016 Thana -MANIGACHI District- DARBHANGA

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Sharvan Kumar Mishra, son of Gopal Mishra, resident of village - Mahinam, Police Station - Bahera, District - Darbhanga.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary 1(APP)

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      28-04-2016                      Heard learned counsel for the petitioner and learned APP for the State.

Petitioner apprehends arrest in connection with Manigachhi P.S. Case No. 10/16 for offence alleged under Section 7 of the Essential Commodities Act.

The prosecution case, as lodged by the informant Block Supply Officer, Manigachhi, is that he seized a loaded truck with 160 quintal wheat in 330 bags and on enquiry he found that the loaded wheat was of the Government scheme and had been taken for black-marketing.

It has been submitted by the learned counsel for the petitioner that he has no criminal antecedent, is running a shop named as Vindhyawashini Traders and had purchased wheat from the farmers. He further submits that the bags of wheat, which has

been confiscated, were not fair price wheat and petitioner is also not a fair price dealer as also the wheat were not taken for black-marketing, hence, Section 7 of the E.C. Act is not applicable. It has further been submitted that the challan, which was produced by the petitioner, was not for his shop but was being supplied to another shop i.e. Puja Mill Maffa Chowk, Maranga, Purnea for which the petitioner could not have had yellow copy of the challan in his premises.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let 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) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Darbhanga, in connection with Manigachhi P.S. Case No. 10/16, subject to the conditions as laid down under Section 438(2) Cr.P.C.

**(Nilu Agrawal, J.)**

Rajesh/-

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