

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17998 of 2016

Arising Out of PS.Case No. -67 Year- 2015 Thana -PIYAR District- MUZAFFARPUR

- =====
1. Santosh Kumar, Son of Rajeshwar Choudhary, resident of Tepari, P.S. Piar, Distt- Muzaffarpur.
 2. Md. Wakil, Son of Md. Kasim, resident of Village- Sunderpur Ratwara, P.S. Piar, Distt Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Nirmal Kr. Sinha(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-05-2016 Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with

Piar (Hattha) P.S. Case No. 67/15 for offence alleged under

Section 7 of the Essential Commodities Act.

The prosecution case, as lodged by the informant,

is that a Tata 407 loaded with 80 bags of rice in gunny bags

weighing 47 kg. each was intercepted but the driver fled away.

Informant suspecting it to be carried in black market informed the

police station and accordingly, seizure-list was prepared and case

was instituted.

It has been submitted by the learned counsel for

the petitioners that petitioner no. 1 is the owner of the vehicle and

petitioner no. 2 is the driver of the same. Petitioner no. 1 is engaged in free sale trade of food-grains i.e. wheat and rice, petitioners are not the P.D.S. dealers and Section 7 of the E.C. Act is not made against them as they are not found to be dealing in black-marketing of food-grains nor has contravened any provisions of Section 3 of the E.C. Act as a P.D.S. dealer. It has further been submitted that petitioners have no criminal antecedent, as is evident from paragraph 3 of this petition.

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

Under the aforesaid facts and circumstances, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Muzaffarpur, in connection with Piar (Hattha) P.S. Case No. 67/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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