

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34712 of 2016

Arising Out of PS.Case No. -54 Year- 2016 Thana -MOTIPUR District- MUZAFFARPUR

1. Chhote Lal Sah @ Chhote Lal Gupta S/o Late Ram Lakshan Sah R/o Motipur Phariyapatti, P.S. Motipur, Distt- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-08-2016 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner apprehends arrest in connection with Motipur P.S.Case No. 54 of 2016 for offences alleged under Sections 7 of the Essential Commodities Act.

The prosecution case is that the Block Supply Officer gave a written report on 08.03.2016 to the Officer-in-charge, Motipur Police Station alleging there in that on secret information, the shop of the petitioner was raided and it was found that the petitioner was transferring ANUDANIT food grain of State Food Corporation into other sacks for the purpose of Black Marketing and getting profit.

Learned counsel for the petitioner submits that the

petitioner is a dealer of food grains and not a PDS dealer, rather he is a licensee shop keeper of food grain, namely, Gupta Galla Bandar and running the same since year, 2012, hence, there is no case of black marketing made out against him, neither Section 7 of the E.C. Act is applicable.

However, learned counsel for the State submits that the petitioner is named in the F.I.R., 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 (West), Muzaffarpur in connection with Motipur P.S.Case No. 54 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C..

(Nilu Agrawal, J)

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