

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34974 of 2016

Arising Out of PS.Case No. -85 Year- 2016 Thana -SHAMBHUGANJ District- BANKA

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Bishundeo Bhagat son of Laxman Bhagat, resident of Village- Kasba,
Police Station- Shambhuganj, District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate.

For the Opposite Party/s : Mr. Sri Akhileshwar Dayal, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-09-2016

Learned counsel for the petitioner states that the father's name of the petitioner has wrongly been typed as Ram Sharan Bhagat in stead of Laxman Bhagat. Let correction be made during course of the day.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Shambhuganj P.S. Case No. 85 of 2016 for the offence alleged under Section 7 of the E.C Act.

The prosecution case is that on secret information received by the informant on 23.06.2016 that the petitioner is indulged in black-marketing by storing the rice of 'Jan Bitran Pranali', a raid was made in the house of the petitioner and about 2 quintals of rice kept in five open bags were recovered from the house of the petitioner and the persons present in the house did not reply satisfactorily and accordingly, the said rice bags were seized and

seizure list was accordingly, prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the present case. He submits that he is not the P.D.S Dealer and hence Section 7 of the E.C Act will not be applicable against him. He further submits that he has agricultural land and he cultivates and grows paddy and the small quantity of two quintals rice recovered from his house cannot be said to have been stocked for the purpose of blackmarketing. He further submits that petitioner has no criminal history as is evident from Para 3 of this application.

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

Be that as it may, let the petitioner, above named in the event of his arrest / surrender before the learned court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Shambhuganj P.S. Case No. 85 of 2016 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Nilu Agrawal, J)

Prakash/-

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