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Ashok Sah @ Ashok Kumar S/o Late Sukhdeo Sah Resident of Aliganj,
P.S. - Mojahidpur, (Babarganj), District - Bhagalpur.

Versus

The State of Bihar.

.... Opposite Party/s

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr.D. N. Tiwari, Advocate
For the Opposite Party/s : Mr. Asharaf Ansari, APP

2 06-10-2016

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

Petitioner apprehends his arrest in connection with Mojahidpur (Babarganj) P.S. Case No. 110 of 2016 registered for the offence punishable under Section 7 of the Essential Commodities Act.

The prosecution case, in brief, is that while the informant was on duty, he saw that the rice loaded on a truck and pick-up van was being unloaded and kept in the godown of the petitioner. Thereafter, godown of the petitioner was raided and 130 bags of rice having mark of FCI were recovered and seizure list was prepared.



It has been submitted by the learned counsel for the petitioner that he is not a PDS dealer, rather, he deals in foodgrains, which are decontrolled. There is no allegation that the recovered foodgrains (rice) have been procured from any PDS dealer. He submits that two other cases of similar nature have been lodged against this petitioner for the same date of occurrence and on similar allegation and he has been granted anticipatory bail by a Co-ordinate Bench of this Court in connection with Mojahidpur (Babarganj) P.S. Case No. 121 of 2016 by order dated 23.09.2016 passed in Cr. Misc. No. 41811 of 2016.

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

Be that as it may, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Mojahidpur

(Babarganj) P.S. Case No. 110 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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