

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45050 of 2015

Arising Out of PS.Case No. -381 Year- 2015 Thana -KATIHAR District- KATIHAR

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1. Sachidanand Nayak Son of Late Jagdish Nayak Resident of Mohalla -
Naya Tola, Phulwari, P.S. Town, District - Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan

For the Opposite Party/s : Mr. Ajay Kumar-Ii(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 02-02-2016 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Section 7 of the Essential Commodities Act.

The prosecution case, in short, is that the Marketing Officer submitted a written report to the S.H.O. Town P.S., Katihar alleging therein that on oral instruction, he along with other officers raided the business premises of the petitioner. It is further alleged that during the course of search, rice contained in F.C.I. printed jute bag was found to be shifted in plastic bag. It is also alleged that total 621.70 quintals rice and 23 empty bags were recovered from the premises of accused persons including the petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner

has falsely been implicated in the present case. The recovered rice is being claimed to be purchased by the petitioner from the open market. There is no substantive evidence to show that the rice in question belongs to the F.C.I. It is further submitted that the petitioner is ready to deposit an amount of Rs.20,000/- in the court below which shall be subject to the final disposal of the case.

On behalf of the State, it is submitted that the petitioner is named in the first information report.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit Rs.20,000/- in the court below which shall be subject to the final disposal of the case.

Let the above named petitioner, in the event of arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail, bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar in connection with Katihar Town P.S. Case No.381 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that the amount deposited by the petitioner shall not come in the way of any other proceedings.

V.P.Sinha/-

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(Sudhir Singh, J)