

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33653 of 2015

Arising Out of PS.Case No. -17 Year- 2015 Thana -KOPA District- SARAN

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Anant Kumar Gond

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-02-2016

The petitioner has renewed his prayer for anticipatory bail in a case registered for the offences punishable under Section 7 of the Essential Commodities Act.

It is submitted by learned counsel for the petitioner that earlier anticipatory bail application of the petitioner was permitted to be withdrawn vide order dated 18.05.2015 passed in Cr. Misc. No. 17621 of 2015, since the petitioner was served a notice under Section 41(A) of the Cr. P.C., hence at the relevant time, he had no apprehension but now since the warrant of arrest has been issued, hence prayer for anticipatory bail has been renewed.

The prosecution case is that one pick-up van loaded with food grains was intercepted when the driver of the said vehicle was apprehended who confessed that he was carrying the grain from the PDS shop of the petitioner. Consequently, PDS

shop of the petitioner was raided but it was found closed, thereafter 30 quintals of rice loaded in the pickup van were seized.

It is submitted by learned counsel for the petitioner that admittedly the recovery has not been made from the petitioner and no verification of the stock of the petitioner was made to ascertain that whether the rice being carried from the PDS shop of the petitioner or not.

Considering the fact that earlier anticipatory bail application of the petitioner was permitted to be withdrawn on the prayer of the petitioner, this Court is not inclined to consider the present application but keeping in view the nature of the accusation and the fact that admittedly recovery was not made from the petitioner and it does not appear either from the FIR or from the impugned order that stock of the petitioner was verified, it is a case for consideration of prayer for regular bail.

Let the learned court below consider the prayer for regular bail of the petitioner if he surrenders within a period of six weeks in connection with Kopa P.S. Case No. 17 of 2015 pending in the court of learned JM, Saran.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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