

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43405 of 2016

Arising Out of PS.Case No. -53 Year- 2016 Thana -BASNAHI District- SAHARSA

- =====
1. Md. Safiullah, S/o Md. Faruk, Resident of Village-Teliva, P.S.-Mahishi (Jalai), District-Saharsa
 2. Ram Bilash Das, S/o Guneshwar Das, Resident of Village-Bariyahi, P.S.- Bangaon, District-Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Sri Bisheshwar Ram, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 26-10-2016

Let the typographical error in paragraph 4 of the application be corrected by learned counsel for the petitioners in course of the day.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Basnahi P.S. Case No. 53 of 2016, disclosing offences under Section 7 of the Essential Commodities Act and Section 34 of the Indian Penal Code.

The petitioner is owner of a truck bearing registration no. B/R 11L 9818 which was found parked in the godown of rice mill of co-accused Shravan Kumar. The said truck was found

loaded with 601 bags of rice. The Block Supply Officer, who had conducted the raid, had also found several hundred bags of rice lying in the godown.

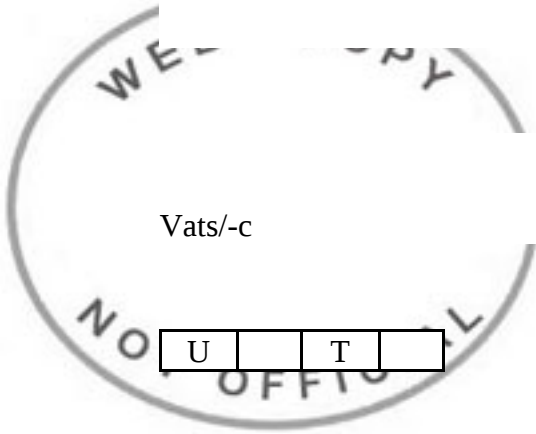
Learned counsel for the petitioners has submitted that they have been implicated only because they are owner/driver of the said truck. He submits that there is no direct allegation against them showing their involvement in commission of the alleged offence of selling or attempting to sell the food grains in black market.

Considering the submissions as above, this application is allowed.

Let the petitioners, above-named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Saharsa in connection with Basnahi P.S. Case No. 53 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to

appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.



(Chakradhari Sharan Singh, J)