

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38426 of 2016

Arising Out of PS.Case No. -28 Year- 2015 Thana -BHAGHA District- WESTCHAMPARAN
(BETTIAH)

Radhey Shyam Giri (Proprietor of Dheeraj Khad Bhandar) Son of Kanti
Giri, Resident of Village- Sabeya, P.S- Bhangaha, District West
Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance:

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party : Mr. J.K. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 7 of the Essential Commodities Act and
Section 4 of the Fertilizer Control Act, registered in connection
with Bhangaha P.S. Case No. 28 of 2015.

3. It is submitted that the petitioner has been falsely
implicated and there is no material to support the accusation that
the petitioner was selling Urea at a higher price of Rs. 450/- in
place of Rs. 298/-. The petitioner claims clean antecedents.

4. Having regard to the entirety of the facts and
circumstances, in the event of the petitioner's arrest or surrender
before the court below within six weeks from the date of
communication of this order, let the above named petitioner be
released on bail on furnishing bail bond of Rs.10,000/- (ten
thousand) with two sureties of like amount each to the
satisfaction of learned S.D.J.M., Bettiah, West Champaran, in
connection with Bhangaha P.S. Case No. 28 of 2015, subject to the
conditions as laid down under Section 438 (2) Cr.P.C., and also

subject to the following further conditions-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/BT

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