

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28930 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -INDUSTRIAL District- BHAGALPUR

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Chandrashekhar Kumar @ Shekhar Sah @ Chandrashekar Sah, S/o Late Bindeshwari Prasad Sah, Resident of Tilka Manjhi Hat Road, P.S. - Tilka Manjhi, Distt- Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Subhash Chandra Mishra, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 24-08-2016 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

The petitioner, being the Proprietor of M/s Maniraj Rice Mill, Anandgarh Colony, Tilkamanjhi, Bhagalpur, is apprehending his arrest in connection with Industrial P.S. Case No.11 of 2016 (G.R. Case No.401/2016) for allegedly having committed the offence under Section 7 of the Essential Commodities Act and Section 406, 409, 419, 420, 467, 468, 471, 120B of the Indian Penal Code.

Mr. N.K. Agrawal, learned Senior Counsel appearing for the petitioner submits that a total of four cases have been lodged against the petitioner, bearing Industrial Area P.S. Case



Nos.14, 15, 18 and 11 of 2016. In the said cases, the allegation is that the food grains were recovered from a truck, which was standing in the premises of Dharma Kanta, but the trucks were alleged to have been parked in the premises of the petitioner's Rice Mill. It is submitted that the petitioner is engaged in the sale and purchase of rice and the same is purchased from the open market or by agriculturists. There is no clandestine deal in the sale, purchase and recovery of food grains but a natural consequence of the transaction of sale and purchase made from the open market. He further submits that no case is made out under Section 7 of the E.C. Act. Learned Senior Counsel further submits that taking into consideration such facts and circumstances, this Court in Cr.Misc. No.18941 of 2016, vide order dated 9.5.2016, and in Cr.Misc. No.23126 of 2016, vide order dated 23.5.2016, has extended the privilege of anticipatory bail to the said petitioner. Another such order has also been passed by the Sessions Court in Industrial Area P.S. Case No.15 of 2016, vide order dated 3.5.2016, in A.B.P. No.592 of 2016.

Considering the aforementioned facts and circumstances and also that the present case is identical to that of the others, let the petitioner, above named, in the event of

his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, IX, Bhagalpur, in connection with Industrial P.S. Case No.11 of 2016 (G.R. Case No.401/2016), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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