

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7449 of 2016

Arising Out of PS.Case No. -324 Year- 2015 Thana -BARBIGHA District- SEKHPURA

1. Manoj Kumar, S/o Raghuveer Yadav resident of Village Bajitpur, P.O., P.S. and District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Indu Bala Panday(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-05-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with Barbigha P.S. Case No. 324/2015 registered for offences punishable under Sections 414, 420,406 of the Indian Penal Code and 7 of E.C. Act.

The prosecution case, in brief, is that a Pick-up Van bearing No. BR-09M-0644 was parked adjacent to Godown and the said vehicle was apprehended by the police along with food grains, which was alleged to be carried for black marketing purpose.

Learned counsel for the petitioner submits that he is the driver of the aforesaid vehicle and not a P.D.S. dealer and hence,

Section 7 of the Essential Commodities Act is not applicable. He further submits that the food grains belongs to one Pankaj Kumar Pankaj and the owner of the said vehicle Fulan Devi, has already been granted privilege of anticipatory bail in Cr. Misc. No. 57511 of 2015 by a Co-ordinate Bench of this Court dated 11.01.2016.

Considering the aforesaid facts that the petitioner has no criminal antecedent, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sheikhpura in connection with Barbigha P.S.Case No. 324 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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