

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9732 of 2016

Arising Out of PS.Case No. -367 Year- 2015 Thana -GORAUL District- VAISHALI(HAJIPUR)

1. Vijay Sah Son of Sri Ram Chandra Sah, Resident of Village- Narayanpur, Beroliya, P.S.- Goraul, District- Vaishali.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Mr. Anil Kumar(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL  
ORAL ORDER

2      02-03-2016                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Goraul P.S.Case No. 367/2015 registered for offences punishable under Sections 420, 120 (B) I.P.C. and 7 of E. C. Act.

The prosecution case is that on 15.12.2015 on the basis of secret information a team of four members headed by S.D.O. Mahua raided the godown of petitioner, situated near the Chakbandi office, the godown was found closed. It is further alleged that the petitioner was informed on his mobile but he failed to appear and as such after suspicion, an inventory has been prepared after breaking the lock of the godown as per the order of the District Magistrate in presence of Magistrate as authorized. A

total 521.50 quintals of rice kept in 1042 bags each containing 50 Kg and 215.5 quintal wheat kept in 431 bags each containing 50 Kg was found in the stock. No one appeared and they failed to produce any paper as such it is suspected that food grains were stored for black marketing and as such seizure was effected.

It has been submitted by the learned counsel for the petitioner that he deals in food grains in the name of M/s Vijay Galla Bhandar and petitioner firm deals in free sale food grains for which he registered with office of Assistant Commissioner of Commercial Taxes, Hajipur Circle.

It has further been submitted by the learned counsel for the petitioner that no offence is made out against this petitioner as he is not a PDS dealer and now the sale of wheat and rice has been de-licensed from the year, 2002. It is also contended that no license is required from the Food Corporation of India, whose goods are readily available in the market, as such no case under Section 7 of the Essential commodities Act or under Section 420 is made out.

It has further been submitted that on 01.03.2016 in CWJC No. 2102/2016 1473 bags of confiscated rice and wheat in connection with the present case has been directed to be released in favour of the petitioner, by this Court.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, let the above named petitioner 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 bonds of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali in connection with Goraul P.S.Case No. 367/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

**(Nilu Agrawal, J)**

Sudha/-

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