

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17912 of 2016

Arising Out of PS.Case No. -693 Year- 2015 Thana -SAHARSA District- SAHARSA

Tarun Kumar @ Tarun Yadav, Son of Chandeshwari Prasad Yadav,
Resident of Radhanagar, Ward No. 13, P.S. Saharsa, District Saharsa, Bihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Madan Kumar(APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-05-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with
Saharsa Sadar P.S. Case No. 693/15 (Special Case No. 03/15) for
offences alleged under Section 420 of the Indian Penal Code,
under Section 7 of the Essential Commodities Act, Motor Spirit
and High Speed Diesel (Regulation of Supply and Distribution and
Prevention of Malpractice) Order, 2005 and Kerosene (Restriction
on Use and Fixation of Ceiling Price) Order, 1993 and Bihar
Trade Articles (Licenses Unification) Order, 1984.

The prosecution case, as per the First Information
Report lodged by Assistant District Supply Officer, Sadar Saharsa,
is that he went to Essar Petrol Pump, Patuaha where he found



5000-6000 litres oil in tank 2 and tanks 1 and 3 were empty and it is alleged that no cooperation was offered by the Assistant Manager of Essar Company and even no pot was made available for taking samples. Thereafter the said petrol pump was sealed in presence of all the officials and security arrangements were made. The said inspection was made as earlier a tank lorry bearing No. JH17E 2126 containing 6000 litres of kerosene oil was seized and the driver of tank lorry Md. Shahjahan confessed that 3000 liters of kerosene oil from the tanker has been poured in Essar Company Petrol Station of the petitioner.

It has been submitted by the learned counsel for the petitioner that he is innocent, is a proprietor of M/s Baba Vishwakarma Service-Station situated at Patuaha, Saharsa and is not concerned with the kerosene lorry carried by the driver. He further submits that petitioner has no criminal antecedent and the patrol sample from his patrol station was sent to the Indian Oil Corporation for laboratory test and the result has been found to be in his favour. He submits that even otherwise no case under Section 7 of the Essential Commodities Act is made out against the petitioner as the vehicle owner, which had carried the kerosene oil for which the petitioner is alleged to be indulging in adulteration, has since been granted the privilege of anticipatory

bail in Cr. Misc. No. 7602 of 2016 on 18.03.2016. He further submits that considering the fact that petitioner is the owner of the patrol station, there is no chance of tampering with the evidence or the witnesses can be influenced, if he is granted the privilege of anticipatory bail nor there is any chance that the petitioner would flee away.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Under the aforesaid circumstances, let 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) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Saharsa, in connection with Saharsa Sadar P.S. Case No. 693/15 (Special Case No. 03/15), subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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