

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50150 of 2016

Arising Out of PS.Case No. -197 Year- 2013 Thana -DIDARGANJ District- PATNA

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Krishna Prasad Son of late Indradeo Prasad Gupta R/o Mohalla- Mata Kudi Lane, Police Station Sutlanganj, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Arvind Kumar Mouar, Advocate

For the Opposite Party : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-11-2016 Heard the learned counsel for the petitioner and the learned APP for the State.

Petitioner is languishing in judicial custody since 21.09.2016 in connection with Deedarganj P.S.Case No.197 of 2013 for offence alleged under Sections 419, 420 and 120B of the IPC and Section 7 of the Essential Commodities Act.

The prosecution case is that on information the premises of the petitioner was inspected and 442 quintals of rice was found for which no satisfactory explanation was given. The said bags of rice were seized and, accordingly, seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that the said rice is a decontrolled commodity and he is

not a PDS dealer, hence offence under Section 7 of the Essential Commodities Act is not made out. He further submits that the rice was purchased from Sri Ram Industries and not from the Food Corporation of India and was not stored for black-marketing. He further submits that chargesheet has already been submitted, hence there is no chance of tampering with the evidence.

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

From perusal of materials on record, it appears that chargesheet has already been submitted and the petitioner's release from custody would not adversely affect his trial. Thus, in the interest of justice and considering the period of custody and the relevant provision of the Essential Commodities Act, let the above named petitioner 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 SDJM, Patna City in connection with Didarganj P.S.Case No.197 of 2013.

(Nilu Agrawal, J)

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