

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44035 of 2015

Arising Out of PS.Case No. -103 Year- 2015 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

Vijay Gupta, S/o Late Jagarnath Prasad of Vill- Kuawa, P.S.- Chakia, Dist-
East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.44431 of 2015

Arising Out of PS.Case No. -103 Year- 2015 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

Chandeshwar Prasad Singh, S/o Muni Singh of Vill- Tarar P.S. Morwa,
Dist. Rohtas (Sasaram)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.44035 of 2015)

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate

For the Opposite Party/s : Mr. Dr. Rabindra Kumar, APP

(In Cr.Misc. No.44431 of 2015)

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate

For the Opposite Party/s : Mr. Dr. Rabindra Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 11-02-2016 Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with

Madhuban P.S. Case No. 103/15 for offences alleged under

Section 7 of the Essential Commodities Act.



The prosecution case, as per the First Information Report lodged by the Block Development Officer, Madhuban Sri Sunil Kumar, is that a truck bearing Registration No. BR 06G 4325 carrying 200 bags of wheat and another truck bearing Registration No. BR 05GA 3170 carrying 73 bags of wheat were seized. The said trucks were intercepted and the driver Serajuddin disclosed that at the instance of the petitioner Vijay Gupta, who was Manager of Madhuban godown, they were carrying wheat to the house of one Sanjay Modi. Except the disclosure made by Serajuddin, there is no evidence to show that the petitioner Vijay Gupta purchased the food-grains in order to sell the same in the black market.

So far as petitioner Chandeshwar Prasad Singh is concerned, he is not named in the First Information Report, nor named by the driver, as submitted by the learned counsel for the petitioners.

It has been submitted by the learned counsel for the petitioners that one of the co-accused Sanjay Modi @ Sanjay Kumar Modi has been granted the privilege of anticipatory bail in Cr. Misc. No. 30506 of 2015 on 28.07.2015 by a Coordinate Bench of this Court and the allegation against one of the petitioner Vijay Gupta is same.

I do not propose to take a different view on similar allegation. In such circumstances, let petitioners, named above, in the event of their arrest or surrender before the court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sadar at Motihari, East Champaran, in connection with Madhuban P.S. Case No. 103/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

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