

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34693 of 2016

Arising Out of PS.Case No. -92 Year- 2016 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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Shatrudhan Prasad S/o Nathuni Gupta, resident of near Old post office,
P.S.- Ghorasahan, Dist- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Satyavarat Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-08-2016 Heard learned counsel for the petitioner and

the learned A.P.P. for the State.

Petitioner apprehends his arrest in

connection with Ghorasahan P.S. Case No. 92 of 2016

registered for the offence punishable under Section 7 of the

Essential Commodities Act.

The prosecution case, as lodged by the

Block Supply Officer, Ghorasahan, is that the shop of Atal

Jaiswal and Bipin Jaiswal was searched and 1500 litres of

kerosene oil was seized and 1000 litres of kerosene oil was

seized from the house of the petitioner.

It has been submitted by the learned

counsel for the petitioner that petitioner is innocent and an



employee of said Atal Jaiswal and Bipin Jaiswal and has been implicated, as he was on inimical terms with seizure-list witness, namely, Md. Harun. He submits that seizure-list has not been prepared at the place of occurrence, rather, the same has been prepared at the police station, which is in violation of Section 100 of the Cr.P.C. He further submits that the petitioner is neither dealer nor manufacturer, hence, Section 7 of the Essential Commodities Act is not applicable against him. He further submits that the petitioner has no criminal history, as is evident from paragraph 3 of this application.

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

Be that as it may, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sikarahana at Dhaka, East Champaran in connection with Ghorasahan P.S. Case No.

92 of 2016, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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