

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33484 of 2016

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

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Atal Jaiswal @ Atal Kumar S/o Late Bal Kunwar Jaiswal resident of
Madarsa Chowk, 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, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 04-10-2016 Heard both sides.

The petitioner apprehends his arrest in Ghorasahan P.S.
Case No. 92/2016, registered for the offences punishable under
Section 7 of the Essential Commodities Act.

The informant raided the shop of the petitioner and his
brother and 1500 litres of Kerosene oil were recovered. The
informant also raided the shop of Shatrughan Prasad from where
1000 litres of Kerosene oil were recovered.

Learned counsel for the petitioner submits that no
seizure list was prepared on the place of occurrence and the
seizure list witnesses are not of that locality. Seizure list was
prepared in the police station. It is further submitted that petitioner

is not a licensee. Therefore, no offence under Section 7 of the Essential Commodities Act is made. The petitioner has falsely been implicated in the case at the instance of Md. Haroon, who is one of the seizure list witnesses. It is submitted that co-accused Shatrughan Prasad from whose shop 1000 litres of Kerosene Oil was recovered has already been enlarged on anticipatory bail vide order dated 29.08.2016 passed in Cr. Misc. 34693/2016, but from perusal of records and the case diary it appears that five drums and sixteen gallons were recovered in which 1500 litres of Kerosene Oil were kept. The seizure list also shows recovery of 1500 litres of Kerosene Oil from the shop of the petitioner. Petitioner is not a licensee, but he has kept the Kerosene Oil for selling in black market.

Of course, the co-accused has already been enlarged on anticipatory bail on consideration that he is not a licensee, so no offence under Section 7 of the Essential Commodities Act is made against him, but in my view it is very serious case in which the petitioner has kept 1500 litres of Kerosene Oil for selling in black market, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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