

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32629 of 2016

Arising Out of PS.Case No. -7 Year- 2016 Thana -MAHARAJGANJ District- SIWAN

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Akhileshwar Prasad, son of late Yadunath Prasad, Resident of village -
Sihauta (Mohan Bazar), Police Station - Maharajganj, District - Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Umesh Kumar Mishra, Advocate
For the State : Mr. Umesh Lal Verma (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 19-10-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner being a PDS dealer is apprehending his
arrest in connection with Maharajganj P.S. Case No. 07 of 2016
registered for the offence punishable under Section 7 of the
Essential Commodities Act.

Learned counsel for the petitioner submits that at a
time petitioner was not present in his PDS shop, a raid was
conducted in which it is alleged that the petitioner was preparing
to off load certain bags of wheat weighing around 8 quintals which
was proposed to be transferred to one Nand Kishore Chauhan by
loading the same on a Tempo. Counsel for the petitioner submits
that though it is alleged that allotments have been made in favour

of the petitioner but the godown was found to be empty, however seizure list itself also explicitly reveals that there was enough material as has been allotted to the petitioner in his godown at the time of raid. Thus it could not be manifestly stated in the FIR that the godown was empty.

Having heard learned counsel for the parties and considered the nature of allegations made and also because the petitioner has been PDS dealer with a clean past, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged 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 Additional Chief Judicial Magistrate-II, Siwan in connection with Maharajganj P.S. Case No. 07 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J.)

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