

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54275 of 2016

Arising Out of PS.Case No. -750 Year- 2016 Thana -BANKA District- BANKA

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Moti Das, S/o Bachoo Das, Resident of Village- Kotaili, P.S. Banka,
District- Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Smt. Pronati Singh

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 21-12-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Banka P.S. Case no. 750 of 2016, registered under Section 7 of the
E.C. Act of the Indian Penal Code.

The accusation is that on receiving secret information
regarding storage of wheat and rice, which was supplied by Bihar State
Food Corporation under the Government schemes for distribution kept
in the house of the petitioner, the raiding party reached there, but at
that time, petitioner was found absent from his house. In presence of
the Mukhiya, Sarpanch and Up-Mukhiya etc. the lock of house of the
petitioner was opened from where 140 bags of wheat and 20 bags of
rice, kept in plastic and gunny bags, were recovered.

Learned counsel for the petitioner submits that it would
appear from the F.I.R. itself that the bags in which rice and wheat were



found kept was not of the BSFC, rather the bags containing wheat and rice is of common use for keeping the grains. There is no control order in respect to limited storage of wheat and rice since 2002. Further submission is that petitioner is not a PDS dealer.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 750 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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