

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43250 of 2016

Arising Out of PS.Case No. -195 Year- 2016 Thana -ALOULI District- KHAGARIA

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Amarjeet Yadav @ Amarjeet Kumar, S/o Late Ram Narayan Yadav, R/o
Village - Gamhariya, P.S. - Alouli, District - Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr.Adv.
Dr. Abdus Shakoor, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 06-10-2016

Heard.

The petitioner apprehends his arrest in a criminal prosecution registered under Section 7 of the E.C. Act.

As per the prosecution case, a tractor loaded with 16 bags of wheat was seized on the suspicion that wheat in question is being transported from the shop of the petitioner for black-marketing.

The learned senior counsel appearing on behalf of the petitioner submits that the petitioner is a dealer under the Public Distribution System, but no irregularity was found regarding distribution of wheat and other articles from his shop. He further submitted that the entire prosecution case is based on suspicion and surmises. It is next submitted that the allotment to the petitioner for his PDS shop has been stopped by the authorities concerned and it has been allotted to some other PDS dealer. Therefore, according to him, the petitioner has been sufficiently penalized for the alleged omission and commission on his part. It

is highlighted that the petitioner is a first offender and no other criminal case is pending against him except the present one.

The learned Addl.P.P. appearing on behalf of the State, though has opposed the prayer for anticipatory bail, but he has not been able to dispute the aforesaid submissions.

Be that as it may, taking into consideration the nature of allegation as disclosed in the FIR vide Annexure-1 particularly the seizure of wheat in question was based on suspicion that the same shall be sold in the black-market and also taking into consideration the fact that the petitioner is said to be the first offender, this Court is inclined to acceded to the prayer made on behalf of the petitioner for grant of anticipatory bail. Accordingly, his prayer for anticipatory bail is allowed.

In the event of his arrest or surrender in the court below within a period of four weeks from today, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Khagaria in connection with Alouli P.S. Case No. 195 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

- (A) One of the bailors must be government servant or close family members of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (B) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner,

and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

Arvind/-

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