

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10361 of 2016

Arising Out of PS.Case No. -45 Year- 2015 Thana -MANPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Biran Mukhiya Son of Banka Mukhiya Resident of village - Pujaha
Patjeerwa, Police Station Srinagar, District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate

For the Opposite Party/s : Mr. M.Dayal(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 04-03-2016

Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Section
414 of the Indian Penal Code and 7 of the Essential
Commodities Act.

The prosecution case is that from the pick up
van being driving by the petitioner 1400 liters of diesel
were recovered.

It is submitted by the learned counsel for the
petitioner that the petitioner was simply a driver of public
carrier. From the accusation it appears that it is not a case of
stolen of diesel. Moreover, after going through the case diary
learned Additional Sessions Judge recorded that there is no

accusation against the petitioner of selling diesel of black marketing. Hence, neither an offence under Section 414 of the Indian Penal Code nor 7 of the Essential Commodities Act is made out against the petitioners. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent.

Considering the aforesaid facts, 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 twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Manpur P.S. Case No. 45 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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