

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25457 of 2016

Arising Out of PS.Case No. -267 Year- 2015 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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Kedar Paswan Son of late Gorakh Paswan Resident of Village Jagiraha,
Kothi, Police Station Ghora Sahan, District East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Shakir Ahmad (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 17-08-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with

Ghorasahan P.S. Case No. 267 of 2015 registered for the

offence punishable under Section 7 of the Essential

Commodities Act.

The prosecution case is that on secret information

that huge quantity of kerosene oil has been kept illegally in the

northern side of the poultry farm of the petitioner, informant

raided the place of occurrence and seized 3110 litres of

kerosene oil kept in drums and plastic jars and thereafter

prepared seizure list in presence of two independent witnesses

along with Officer-in-charge, Ghorasahan Police Station.

It has been submitted by the counsel for the petitioner that petitioner is innocent and is not indulged in the black marketing of the kerosene oil. He submits that the kerosene oil has not been recovered from his poultry farm premises, but the same has been recovered from out side his poultry farm. He submits that petitioner is not a PDS dealer and, as such, Section 7 of the Essential Commodities Act is not applicable against him.

A supplementary affidavit has been filed by the petitioner stating therein that two independent witnesses, namely, Madan Paswan and Anil Singh have retracted from their version.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report and earlier also one another case, bearing Ghorasahan P.S. Case No. 414 of 2013 under Section 7 of the Essential Commodities Act is pending against him, hence, opposes the prayer for bail.

Be that as it may, since recovery has not been made from the premises of the poultry farm of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail

bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Ghorasahan P.S. Case No. 267 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

However, it is made clear that since petitioner is also an accused in another case of similar nature of offence, as such, in future, if he is found to have indulged in similar nature of offence, learned Court below will be at liberty to cancel his bail bonds without being prejudiced by this order.

(Nilu Agrawal, J.)

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