

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38595 of 2016

Arising Out of PS.Case No. -39 Year- 2016 Thana -SARSI District- PURNIA

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Bindeshwari Sah @ Bindeshwari Prasad Sah Son of Late Laxman Sah,
R/o Village- Telyahi Mathura Tola, P.S.- Sarsi, District- Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 26-09-2016 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Section 7 of the Essential Commodities Act registered in connection with Sarsi P.S. Case No. 39 of 2016.

3. It is submitted that the petitioner has been falsely implicated as 24 bags of sunflower and 65 bags of rice weighing 30 quintals loaded on his tractor were produced from his own land. Petitioner has been implicated only on suspicion that the same was Government rice but the allegation is not supported by any stock verification of PDS dealer. It is further stated that rice and sunflowers are decontrolled items and may be freely transported into the market by a farmer. Petitioner claims clean antecedents.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction

of learned Chief Judicial Magistrate, Purnea in connection with Sarsi P.S. Case No. 39 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Md. Ibrarul/BT

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