

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7982 of 2016

Arising Out of PS.Case No. -117 Year- 2015 Thana -OBRA District- AURANGABAD

1. Sumanti Kuwar Wife of late Satyendra Yadav
2. Ashok Kumar Singh @ Ashok Singh Son of Bali Singh. Both are Resident of Village- Chapra, P.S. Obra District Aurangabad (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Arun Kumar Singh-5(APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-02-2016 Heard learned counsel for the petitioners and learned
A. P.P. for the State.

Petitioners apprehend their arrest in connection with
Obra P.S. Case No. 117 of 2015 registered for offences punishable
under Section 420 of the Indian Penal Code and Section 7 of the
Essential Commodities Act.

The First Information Report, lodged on the basis of the
written report of the Block Supply Officer, Obra, is that the
informant received secret information that rice bags from the Fair
Price Shop of Sumanti Kunwar are being taken away for black
marketing on a pick-up van. On this information, informant along
with police party went to the said Fair Price Shop and sealed the
shop in presence of the villagers, as they told the informant that



rice and wheat bags have been loaded on the pick-up van bearing registration no. BR-26C-7023 and taken away towards Obra for black marketing. The informant went to Obra and found the said van parked in front of the shop of Hridya Singh wherefrom 40 bags of wheat, each containing 45 kg. and five bags of rice each contained 45 kg on the pick-up van and five bora of wheat and seven bora of rice each containing 45 kg. were found at the gate of the shop, which were seized. Registers and documents of the said shop have also been seized.

It has been submitted by the counsel for the petitioners that petitioners are innocent having clean antecedent, as is evident from paragraph 3 of this petition. It has further been submitted that petitioner no.1 is the Fair Price Shop owner and petitioner no.2 is the Devar of petitioner no.1 are not indulged in black marketing of food grains. Furthermore, it has been contended that as per the stock statement, Annexure-2 to this petition found in the shop of petitioner no.1, there is marginal variation in the stocks and merely on suspicion, the petitioners have been made accused. The pick-up van has also not been found near the shop of petitioner no.1 and the food grains seized from the pick-up van far from the PDS shop of petitioner no.1 is also not owned by the petitioners.

Learned A.P.P., on the other hand, submits that the

petitioners are named in the First Information Report and the food grains were found loaded on the pick-up van.

Be that as it may, let petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned S.D.J.M., Daudnagar, Aurangabad in connection with Obra P.S. Case No. 117 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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