

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.15750 of 2016**

Arising Out of PS.Case No. -34 Year- 2016 Thana -BENA District- NALANDA (BIHARSHARIFF)

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Shiv Balak Paswan @ Shivalak Paswan, Son of Chintawan Paswan,  
Resident of Village- Amiya Bigha, Plice Station - Ben, Dist.-Nalanda.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

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

For the Opposite Party/s : Mr. Upendra Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      16-05-2016                      Heard learned counsel for the petitioner and  
  
learned counsel for the State.

The petitioner is apprehending his arrest in  
connection with Ben P.S. Case No.34 of 2016 for the  
offence instituted under Section 7 of the Essential  
Commodities Act.

The prosecution case, in brief, is that the  
informant is posted as a Supply Inspector in Block. On  
21.2.2016, she received a secret message that one white  
colour of Tata Magic vehicle is going and that very vehicle  
25 bags of rice has been loaded of the shop of P.D.S.  
Dealer. The police indicated to stop the vehicle then driver  
try to flee away but on chase he caught hold, thereafter

police enquired the matter by the driver then driver disclosed their name of Chunnu Prasad and he also said that he is owner of the said vehicle and the said grains has been loaded by the P.D.S. shop keeper Shiv Balak Paswan and he was going to Parwalpur for sale the above grain.

It is submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. Petitioner is a P.D.S. Dealer and he has got no concern with the alleged food grains recovered. As far as the F.I.R., it is alleged that 25 bags of rice was recovered from a pickup van. From the seizure list, it appears that 25 bags of wheat is said to have been recovered, which was not sealed.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances and the manner in which the seizure being made, let the above named petitioner, in the event of arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of Incharge Additional Chief Judicial Magistrate-1, Nalanda at Biharsharif, in



connection with Ben P.S. Case No.34 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

N.H./-

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