

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43931 of 2016

Arising Out of PS.Case No. -116 Year- 2016 Thana -MOJAHIDPUR District- BHAGALPUR

Ashok Sah @ Ashok Kumar S/o Late Sukhdeo Sah resident of Aliganj, P.S.-
Mohampur (Babarganj), District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 05-10-2016

Heard learned counsel for the parties.

The petitioner seeks pre-arrest bail in Mojahidpur
(Babarganj) P.S. Case No. 116 of 2016 dated 16.07.2016 instituted
under Section 7 of the E.C. Act.

The allegation against the petitioner is that from his
godown, rice bags with marking indicating use for Mid Day Meal
Scheme have been found.

Learned counsel for the petitioner submits that the rice
is not a controlled item and no license is required. It is further
submitted that on mere allegation the case has been lodged and that
the petitioner is running a *bona fide* business and in fact, on the said
day, two godowns and one truck was the subject matter of raid by the
officials and for which separate cases have been instituted. It is further

submitted that the petitioner has been granted the privilege of anticipatory bail by a co-ordinate Bench with regard to another case in Cr. Misc. No. 41811 of 2016 dated 23.09.2016.

Learned A.P.P. opposes the prayer and submits that from the seized sacks it is clear that it had blue stitching as well as blue sticker which is not available otherwise in the market and is the special mode of packaging for rice meant for Mid Day Meal Scheme and, thus, the petitioner possessing the same without valid documents indicates wrong doing.

Having considered the rival contentions, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders before the court below within one month from today and seeks regular bail, the same shall be considered on its own merit, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	NAFR
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