

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14514 of 2016

Arising Out of PS.Case No. -5 Year- 2016 Thana -MUFFASIL District- AURANGABAD

Vinay Kumar Gupta son of Tunna Prasad, Resident of village- Pacharukhia,
P.S.- Aurangabad Muffasil, District- Aurangabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-04-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Aurangabad Muffasil P.S. Case No. 5 of 2016 registered for
offences punishable under Sections 419, 420, 120(B)/34 of the
Indian Penal Code and Section 7 of the Essential Commodities
Act.

The prosecution case, in brief, is that while on getting
secret information, informant reached at the place of occurrence,
he found that rice of F.C.I. was being unloaded from one truck and
loaded on another truck and seeing the police, accused persons
fled away.

It has been submitted by the counsel for the petitioner
that petitioner is the proprietor of Ma Bhagwati Rice Mill and not

distributor of food grains, hence, section 7 of the Essential Commodities Act is not applicable to him. It has further been submitted that petitioner has clean antecedent and the rice which was loaded and unloaded from one truck to another was also purchased and in this regard chalan was issued by the FCI, Gaya. He further submits that merely on suspicion of loading and unloading of the aforesaid commodities (rice), petitioner cannot be alleged to have committed any offence.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let the petitioner, above named, in the event of his arrest or surrender before the 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 Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Muffasil P.S. Case No. 5 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

Arjun/-

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