

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6659 of 2016

Arising Out of PS.Case No. -128 Year- 2015 Thana -CHAKAI District- JAMUI

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Ashok Kumar Sah @ Pappu, Son of Late Rameshwar Sah, Resident of
Village - Chakai Bazar, P.S. - Chakai, District - Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Sr.Advocate

Mr. Anuj Kumar, Advocate

For the State : Mr. Umesh Lal Verma(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 16-05-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in
connection with Chakai P.S. Case No.128 of 2015 for allegedly
having committed the offence under Section 7 of the Essential
Commodities Act.

Learned counsel for the petitioner submits that the
petitioner is a licensee owner of M/S Shri Laxmi Traders for
wholesale and retail rice, wheat and other items. He is not a
PDS dealer rather he is a registered mill owner as well as a
registered trader. He thus submits that Section 7 of the E.C. Act
is not applicable in this case. Learned counsel for the petitioner
further submits that though, admittedly, rice and wheat were
stored in his godown, but the same were meant to be supplied to

the State Food Corporation, but could not be done on account of the fact that the quality of the rice had become inferior and the petitioner was left with no option but to keep in retail in his godown. It is further submitted that a presumption has been drawn that the aforementioned food grains were meant for black-marketing, but there is no cogent evidence to prove the same.

Considering the nature of allegations made against the petitioner and that the BDO, Chakai has also stated in paragraphs 9 and 10 of the case diary that the during the inquiry, it was found that there was no stitch and tag of the FCI on the bags, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui, in connection with Chakai P.S. Case No.128 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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