

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55994 of 2017

Arising Out of PS.Case No. -246 Year- 2017 Thana -KATEYA District- GOPALGANJ

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1. MONU KUMAR GUPTA @ MONU KUMAR, S/o Late Lagan Gupta,
2. Bhola Gond, S/o Prakash Gond,
Both residents of Village- Sahganj Padrouna, P.S.- Padrouna, District-
Kushinagar U.P.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Ashok Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-11-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Kataiya P.S.
Case No. 246/2017 for offences punishable under Sections 420,
414, 34 of the Indian Penal Code and Section 7 of the Essential
Commodities Act.

The prosecution case, as lodged by the police
personnel, is that on a secret tip off the unnumbered Bolero Pick-
up Van of the petitioner coming from U.P. to Bihar, was
apprehended and from the van 40 sacks each containing 30-35
packets of food items was found, for which the petitioners did not
submit any papers. They revealed that the van did not belong to



them and the food items belonged to one Pintu Kumar Jaiswal. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history, they were driver and conductor of the said van respectively and were unaware that the food items were being carried for black-marketing. He submits that Section 7 of the E.C. Act is not applicable against them and they are languishing in custody since 26.08.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Gopalganj, in connection with Kataiya P.S. Case No. 246 of 2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.



(ii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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