

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54492 of 2016

Arising Out of PS.Case No. -239 Year- 2016 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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CHANDESHWAR CHOUDHARY @ CHANDESHWARI
CHOUDHARY, S/o Late Dahaur Sahani, R/o Vill Bijdhari, P.S.- Kesaria,
Dist- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate
For the Informant : Mr. Anil Kumar, Advocate
For the State : Mr. Sri Manish Kumar 2, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 12-01-2017 This is an application for grant of anticipatory bail

for the offence punishable under Section 7 of the Essential

Commodities Act.

Heard learned counsel for the petitioner.

It has been submitted on behalf of petitioner that

nothing has been recovered from the possession of petitioner and

only on the basis of the statement of the co-accused tempo driver,

he has been made accused in this case. There is nothing against

the petitioner.

Heard learned A.P.P. and learned counsel for the

informant.

It has been submitted on behalf of the informant that



petitioner is a Public Distribution System dealer and he has handed over the wheat for sale. As such, he does not deserve anticipatory bail.

Having heard both the parties, in view of the fact that nothing has been recovered from the possession of the petitioner and he has been made accused on the basis of statement made by the tempo driver, let above named petitioner, in the event of arrest or surrender within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged 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 learned S.D.J.M., Sadar Motihari, East Champaran, in connection with Kesariya P.S. Case no. 239 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, this application is allowed.

(Vinod Kumar Sinha, J)

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