

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47381 of 2017

Arising Out of PS.Case No. -23 Year- 2016 Thana -SUIYA District- BANKA

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Mithilesh Kumar Gupta, Son of Govind Prasad Gupta, Resident of Village-
Suiya P.S.- Suiya, District- Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar

For the Opposite Party/s : Mr. Sri Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 18-10-2017

Heard learned counsel for the petitioner and the State.

Petitioner is apprehending arrest in connection with
Suiya P.S. Case No. 23 of 2016 for an offence under section 7 of
the Essential Commodities Act.

The allegation against this petitioner is that he was
involved in black marketing. The informant has drawn inference
of the involvement of this petitioner in black marketing only on
the ground that 55 bags of rice was seized by the Block Supply
Officer, Chandan and Block Supply Officer, Katoria. They
apprehend that the rice seized by them are the rice of Bihar State
Food Corporation.

Counsel for the petitioner submits that there is no
distinctive feature shown by the informant to indicate that the bags



containing rice was of Bihar State Food Corporation.

In view of the fact that the petitioner as per statement in para-3 that he has no criminal history and the fact that there was no conclusive material to arrive at the conclusion that the petitioner was involved in black marketing, let the petitioner, named above, be released on bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Banka, in connection with Suiya P.S. Case No. 23 of 2016, subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Anil Kumar Upadhyay, J)

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