

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38181 of 2017

Arising Out of PS.Case No. -154 Year- 2017 Thana -DAUDNAGAR District- AURANGABAD
=====

1. Sanjay Kumar Son of Late Bindeshwari Singh, R/o Village- Chauri,
P.S.- Daudnagar, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Ajit Ranjan Kumar, Advocate

For the Opposite Party/s : Smt Renu Kumari, A.P.P.
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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 17-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in Daudnagar
P.S.Case No. 154 of 2017 registered for offences punishable under
Section 7 of Essential Commodity Act, 1955.

The prosecution case as per written report submitted by
the informant is that the P.D.S. shop of the petitioner was
inspected by the Block supply Officer, Daudnagar. During
Inspection, it transpired that the beneficiaries were given under
weighed articles on higher price and thereby the petitioner
committed offence under Section 7 of Essential Commodities Act.

Learned counsel for the petitioner submits that no
inspection was done by any officer and the allegation of the
distribution of in lesser quantity of food grains/ kerosene oil to the
beneficiaries on higher price is wrong. The petitioner has clan
reputation in the locality in running the F. P. business.



Learned Additional Public Prosecutor opposes the prayer for bail.

On perusal of F.I.R. I find that the allegation of distribution of the food grains to the beneficiaries on higher rate and lesser in quantity is vague and not specific. The Inspection report does not bear the signature of this petitioner, which suggests that the inspection was not made in his presence. It is not the case that he refused to put his signature or did not co-operate in investigation.

Having regard the facts and circumstances of the case, the prayer of Anticipatory bail of petitioner Sanjay Kumar, is allowed and he in the event of arrest or surrender before the Court below within a period of six weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each in connection with Daudnagar P.S.Case No. 154 of 2017 to the satisfaction of learned Sub Divisional Judicial Magistrate, Daudnagar, Aurangabad.

(Sanjay Kumar, J)

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