

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41782 of 2017

Arising Out of PS.Case No. -29 Year- 2017 Thana -FESHAR District- AURANGABAD

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1. Alakhdeo Singh Son of Deosharan Singh, R/o Village- Fateha, P.S.-
Fesar, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey

For the Opposite Party/s : Mr. Smt. Veena Rani Prasadd.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 11-09-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Fesar P.S. Case No. 29
of 2017 instituted for the offence under Section-7 of Essential
Commodities Act.

It has been submitted on behalf of the petitioner that almost
all the consumers named in the FIR have sworn affidavit to this effect
that they have no grievance with the PDS dealers. It has further been
submitted that not a single consumer ever made complaint earlier
against this petitioner before the competent authority.

There is allegation in the written report that during
inspection, the informant found that neither food grains nor Kerosene
Oil was available in stock register. It is alleged that petitioner failed to
produce the stock and distribution register on the plea that they were
lying in rented house at Aurangabad. The statement of 20 persons were



recorded who stated that they did not get regular commodities and further that less commodities are supplied on higher price.

Annexure-2 series have been annexed to this petition wherein the consumers have filed affidavit that they have no complaint with this petitioner.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Fesar P.S. Case No. 29 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-V, Aurangabad subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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