

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46250 of 2017

Arising Out of PS.Case No. -364 Year- 2017 Thana -GOPALGANJ TOWN District- GOPALGANJ

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Basir Ahmad Son of Anisur Rahman, R/o Village- Chuna Gali, Islamia
Mohalla, Nagar Parishad ward No.12, P.S. & District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Mr. Nafisuzzoha, Adv.

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 02-11-2017 Heard the parties.

This application, for grant of anticipatory bail, arises out of Gopalganj Town P.S. Case No. 364/2017, disclosing offence under Section 7 of the Essential Commodities Act.

The petitioner is a P.D.S. shop dealer. On getting information that he was indulging in black-marketing, a raid was conducted in his P.D.S. shop. This is apparent from the F.I.R. that no irregularity was detected in his shop. The allegation however, is that forty bags of rice and twenty six bags of wheat were found stored in the nearby school building which is the only basis for registration of the F.I.R. against this petitioner.

Learned senior counsel appearing on behalf of the



petitioner has submitted that the items found by the raiding party in the premises adjacent to the shop of the petitioner are free items and there is no control in respect thereof.

Considering the facts, this application is allowed.

Let the petitioner above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No. 364/2017, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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